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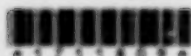
Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development

**Summary of the panel discussion on realizing the right to
health by enhancing capacity-building in public health****Report of the United Nations High Commissioner for Human Rights***Summary*

The present report was prepared in accordance with Human Rights Council resolution 32/16, in which the Council decided to convene, at its thirty-fifth session, a panel discussion to exchange experiences and practices on promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health. The Council also requested the United Nations High Commissioner for Human Rights to prepare a summary report of the panel discussion, for consideration at its thirty-sixth session.

During the broad-ranging discussion, many States shared the challenges they face and their own experiences in addressing them. Participants particularly highlighted the need for universal health systems that were participatory and accountable and a human rights-based public health strategy that recognized the indivisibility of human rights and the Sustainable Development Goals.



I. Introduction

1. Pursuant to its resolution 32/16, the Human Rights Council convened, on 8 June 2017, a panel discussion to exchange experiences and practices on promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health. In the same resolution, the United Nations High Commissioner for Human Rights was requested to prepare a summary report of the discussions for submission to the Council at its thirty-sixth session. The discussion was also broadcast live and archived at <http://webtv.un.org>.

2. The panellists were: the Deputy Minister of Health and Director General of the National Public Health Institute of Liberia, Tolbert Nyenswah; the National Director of Public Health at the Ministry of Public Health of Cuba, Lorenzo Somarriba López; the Assistant Director General for HIV/AIDS, Tuberculosis, Malaria and Neglected Tropical Diseases, World Health Organization (WHO), Ren Minghui; the Deputy Director General, Department of Law and Legislation, National Health and Family Planning Commission, China, Gong Xiangguang; and the Director of the Global Health Centre and Adjunct Professor at the Graduate Institute of International and Development Studies, Geneva, Ilona Kickbusch. The discussion was moderated by the Permanent Representative of South Africa to the United Nations Office at Geneva and other international organizations in Switzerland, Nozipho Joyce Mxakato-Diseko.

3. The panel discussion was opened by the Deputy High Commissioner for Human Rights. The Director General of WHO, Margaret Chan, gave a keynote statement. The panellists then made brief opening statements that were followed by a debate chaired by the President of the Human Rights Council, Joaquín Alexander Maza Martelli. States, national human rights institutions, non-governmental organizations (NGOs) and other observers were encouraged to intervene through questions, comments and the sharing of good practices, challenges and recommendations on the way forward.

II. Summary of the discussion

A. Opening statement

4. In her opening remarks, the Deputy High Commissioner for Human Rights emphasized the right to health as the foundation for all human rights, for education and work and for a life lived in dignity. The right to health was an enabler of all other rights and depended on the rights to non-discrimination, information, physical and mental integrity and life. Moreover, the enjoyment of rights to and through health was essential for inclusive and sustainable development.

5. The Deputy High Commissioner underscored the importance of supporting the sexual and reproductive maturing of women and girls and ensuring that it did not come at a cost. The giving of life should not be a threat to life — yet for millions that was not the case, when States failed in their obligations. The onset of puberty should not be a doorway to an onslaught against a girl's physical and mental integrity through child marriage, sexual exploitation and abuse, unwanted pregnancy or sexually transmitted infections. Yet, owing to the lack of enjoyment of their rights to education, protection and information, such was the reality for millions of girls. The threats to the right to health were not only the result of inaction or failure to invest, but the product of an active rollback — deliberate and intentional policies that moved away from the human rights to and through health. That trend was particularly evident in the attempts to roll back the enjoyment of sexual and reproductive health and the associated human rights, with discriminatory, selective and devastating consequences for women and girls, which imposed unaffordable costs on their communities.

6. Other factors undermining health included unprecedented rates of urbanization, pollution, increasing climate instability, famine, environmental degradation, conflicts

forcing people out of their homes and their livelihoods at record levels, and the deliberate targeting of health workers and health facilities.

7. Thanks to the 2030 Agenda for Sustainable Development, the world had a vital opportunity to advance the very conditions in which rights to and through health could flourish. A worldwide commitment was required to "leave no one behind". Moreover, the right to health must be enshrined in national law. Social and gender norms that eroded health should be removed. People themselves must be empowered to claim their rights, and health workers and advocates must be protected as they defended those rights.

B. Keynote statement

8. The Director General of WHO welcomed the emphasis on capacity-building in public health as a means of upholding the right to health. As stated in the WHO Constitution: "Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures." That included providing essential preventive and curative health services and medicines, adequate numbers of health facilities located close to people's homes and sufficient numbers of appropriately trained and motivated health staff. Countries needed the statistical data from information systems that recorded births, deaths and causes of death; data on diseases and medical conditions; and civil registration to ensure that each child had a legal identity and the rights and entitlements which that legal identity conferred. The right to health depended on legislation and regulatory authorities that kept water, air, food and medicines safe. Realization of the right to health protected people against discrimination and exclusion, and helped to ensure that all people had an equal opportunity to enjoy the highest attainable level of health and that people with a physical or mental disability were not deprived of their liberty or legal capacity.

9. The Director General drew attention to the work of WHO, including its Framework Convention on Tobacco Control; guidance on legislation that could reduce the harmful use of alcohol and protect children from the marketing of unhealthy foods and beverages; and the development of other instruments and mechanisms that contributed to fair access to care and thus underpinned the right to health, most notably by making pharmaceutical products more affordable.

10. Highlighting the worldwide inequality in access to quality health care, including medicines, she noted that respect for the right to health was a hallmark of good governance. Countries that had enshrined the right to health in their constitutions generally had the best human rights records. Moreover, a health system oriented towards universal health coverage would leave no one behind. Since universal health systems protected against financial hardship caused by paying for essential health care, they also operated as a significant poverty reduction strategy and thus a nation-building strategy. They were the ultimate expression of fairness. They were one of the most powerful social equalizers among all policy options.

C. Overview of presentations by the panellists

11. Mr. Nyenswah discussed the management of public health emergencies in West Africa, specifically Liberia, using the example of the unprecedented 2014 Ebola epidemics, as well as the task of building a resilient health system in the context of human rights. Liberia had borne the brunt of the epidemic and seen the collapse of its public health systems. In response, the Government had established an incident management system to lead the response and coordination of all public health interventions to combat Ebola in the country. China provided a good example of South-South cooperation in the assistance it had given Liberia in curbing the epidemic. China had provided much-needed supplies, equipment and personnel to work alongside the Liberian team.

12. It was vital to promote the rights to social security, education, and water and sanitation services, in accordance with article 25 of the Universal Declaration of Human Rights, since they were critical for people's health, particularly in developing countries.

13. In conclusion, he appealed to the international community to assist Liberia in developing its health infrastructure and improving the capacity of its public health workforce.

14. Dr. López outlined the experience of Cuba in establishing its national health system, pursuant to article 50 of the Cuban Constitution, which was geared towards a single and public health system model that was free of charge and accessible. It covered 100 per cent of the Cuban population without any form of discrimination. There was also an immunization programme that protected against 13 diseases, with eight of the vaccines being nationally produced. Cuba had eradicated polio, diphtheria, measles, mumps, whooping cough, rubella, meningal tuberculosis and mother-to-child transmission of HIV.

15. Cuba had helped other countries to realize the right to health by helping to strengthen health systems that were already geared towards achieving universal health coverage. Cuba recognized health as an essential and core human right that was central to public policies, and wished to continue its cooperation with other countries in that regard.

16. Dr. Ren underscored the global consensus that universal health coverage should not be viewed as a distant goal, but as a fundamental step in realizing the right to health. He described how much had been done to help develop core public health capacity to prevent, detect and respond to public health emergencies. Particular achievements of WHO included the adoption by the World Health Assembly of the WHO Global Strategy on Human Resources for Health. He further emphasized that expenditure on the health and social workforce should be regarded as an investment, and not merely as a cost.

17. HIV/AIDS, tuberculosis, malaria and neglected tropical diseases had a continuing and far-reaching impact on people's lives. In addition to the high mortality rate, they caused disabilities, stigmatization and exclusion from society. Moreover, in many countries, those responsible for responding to the challenges were facing major financial and infrastructure challenges. There were clear capacity shortages in most areas of public health, including national disease programme management, programme planning, epidemiology, monitoring and surveillance, and research. Capacity-strengthening was therefore critical to continuing to save lives and expand access to prevention, diagnosis and treatment.

18. Dr. Ren further underlined how efforts to strengthen health systems should be guided by the human rights principles of equity, non-discrimination, transparency, accountability and participation. The Sustainable Development Goals had reframed the overall context of global health and opened up space for deeper discussion on the right to health.

19. Mr. Gong highlighted how the Government of China had prioritized people's health by improving legislation and regulations, including those on immunization and the control of communicable diseases, public health emergencies and HIV/AIDS. China had targeted disease prevention and health education, infant and maternal health and mental health, enhanced the accessibility of public health institutions, engaged in capacity-building for health-care personnel and improved the level and the quality of services. China was also strengthening education, fostering healthy behaviours and physical fitness and controlling the use of tobacco and alcohol.

20. Ms. Kickbusch highlighted the interdisciplinary and intersectoral nature of public health and its centrality to the implementation of the Sustainable Development Goals. She emphasized that many determinants of health required a human rights-based public health strategy, and that, in the era of the Sustainable Development Goals, the health of people could not be separated from the health of the planet. Public health strategies must be at the forefront of integrated strategies to address climate change and environmental factors, such as air pollution.

21. In a global consumer society, the right to health included the need to address the commercial determinants of health. Those included products, marketing and environments harmful to health. Public health needed a pricing policy, transparent information and clear labelling. The health community had made tremendous strides in the framework of tobacco control, and it was now important to address other risk factors for non-communicable diseases in similar ways. One example was the introduction of a sugar tax by some

countries and cities. Taxation was also central to financing the 2030 Agenda for Sustainable Development.

22. People's right to health, healthy lives and increased well-being at all ages could only be achieved by promoting health through all the Sustainable Development Goals, not only Goal 3, and by engaging the whole of society in the process. That required sufficient political will to implement transformative, practical, high-impact and evidence-based strategies which, in turn, meant decisive action on all determinants of health and empowerment to enable people to increase control over their health.

D. Interventions by representatives of Member States, observer States and other observers

23. During the ensuing discussion, statements were made by representatives of Bahrain, Botswana, China (on its own behalf and that of Algeria, Brazil, Egypt, El Salvador, Ethiopia, France, Georgia, Indonesia, Iran (Islamic Republic of), Pakistan and South Africa), El Salvador, France, Georgia, Haiti, India, Indonesia, Israel, Malaysia, Maldives, Pakistan (on behalf of the Organization of Islamic Cooperation), Paraguay, Portugal (on its own behalf and that of the Community of Portuguese Language Countries), Qatar, the Russian Federation, Sierra Leone, Tunisia (on behalf of the African Group), United States of America, Venezuela (Bolivarian Republic of) and the European Union.

24. Representatives of the following NGOs also contributed to the discussion: Amnesty International, International Human Rights Association of American Minorities, Le Pont, Swedish Association for Sexuality Education, Tourner La Page and Verein Südwind Entwicklungspolitik.

25. Many of the participants underscored the importance of the right of everyone to the highest attainable standard of physical and mental health, both as a fundamental human right in itself and as a means of realizing other human rights. They also emphasized that the cross-cutting nature of the right to health was reflected in the 2030 Agenda for Sustainable Development, which recognized the centrality of health and well-being to sustainable development. Goal 3 on health could not be attained without achieving all other goals.

26. They also drew attention to the many challenges facing countries. Delegates noted that over 400 million people currently lacked access to essential health services, and more than 100 million people fell into poverty every year because they were spending more than they could afford on health care. Delegates raised the problems of ensuring health care for the increasing number of people on the move, such as migrants and refugees, the cost of medicines and the lack of resources. People in conflict or occupied areas were denied access to medical care, including through restrictions in their freedom of movement, blocking of the supply of medicines and attacks against aid workers. Participants asked what the United Nations could do in cases where State and non-State actors prevented people from accessing medicines and destroyed health infrastructure. Participants also highlighted how public health emergencies could erode national systems, with particular reference to the Ebola epidemic, which in Sierra Leone had overwhelmed the health-care system when it infected more than 14,000 people and took the lives of nearly 4,000 in the country.

27. Many participants reiterated the fact that States bore the primary responsibility to improve the public health system, ensure universal and equal access to public health services and tackle the socioeconomic and environmental determinants of health, which included discrimination, stigmatization, violence and inequality. They underlined the need for a human rights-based approach in addressing those issues and ensuring universal health care, for all including migrants and refugees. One delegate also drew attention to the need to respect human rights in the context of mental health, which entailed eliminating all forms of discrimination, violence, stigmatization, segregation and forced treatment. One NGO particularly highlighted the impact of discrimination, prejudice, stigmatization and violence on both health and access to health-care services, medicines and information. One representative further stressed the importance of accountability and observed that health facilities often had inadequate procedures to enable patients to raise concerns about their

experiences and obtain redress when appropriate. Participants also raised the importance of people with disabilities being included in the planning, design and implementation of health-care policies.

28. Several participants drew attention to the issue of sexual and reproductive rights, including access to safe abortions. One NGO highlighted the fact that its research showed a lack of training and capacity among health workers to respond to the specific needs of adolescents. In some cases, attitudes among health workers contributed to a lack of confidentiality and informed consent by patients. The representative highlighted the need to invest in human rights training for health workers, particularly in relation to the sexual and reproductive rights of women and girls.

29. One delegate highlighted the role of the Human Rights Council, its special procedures and the universal periodic review mechanism in promoting and ensuring a rights-based approach. He reiterated that the recommendations given by those mechanisms must be taken into account by States, and should be seen as tools or guides that could help to ensure that public policies guaranteed the right to health.

30. Numerous delegations drew attention to rising health-care costs and the limited resources of States. African countries highlighted their commitment to allocating at least 15 per cent of their annual budget to financing national health services for all their citizens, as agreed in the 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases. They called on the international community to support those efforts by achieving the target of devoting 0.7 per cent of gross national income to official development assistance.

31. Participants also highlighted the right to access to medicines as a major component of the right to health and universal health coverage, which was being undermined by international trade law and the scope of intellectual property protection. They asked the panellists to explain the progress made and tangible actions conducted to facilitate access to affordable and high-quality medicines for developing countries. NGOs highlighted the fact that international cooperation and assistance could include improving access to affordable medicines by changing international rules and regulations.

32. During the debate, Dr. Ren emphasized that, while international cooperation could help countries to mitigate the challenges of accessing medicines, in most cases the solution should come from the capacity of the country itself to produce medicines, in ways affordable and accessible for its people. In that context, Dr. López drew attention to the situation in Cuba in developing medicines for the population. Mr. Gong similarly explained how China had established national mechanisms to ensure access to medicines.

33. With regard to the financing of universal health coverage and providing access to affordable and quality medicines, Ms. Kickbusch underscored the importance of taxing tobacco. According to hundreds of studies, taxing tobacco reduced tobacco use and increased the financing available to fund health systems and eradicate poverty. She observed that about 5 per cent of global gross domestic product was lost through tobacco use, and the cost of tobacco to the global economy was about \$1 trillion. A number of countries had introduced such taxes to finance prevention programmes, health promotion programmes and even health services and medicines.

34. Several delegations raised concerns about the "brain drain". Meaningful investment in the public health sector by developing countries was being undermined by the loss of intellectual capital, resulting in the loss of critical health professionals who migrated away from the continent for better remuneration. They asked for the assistance of the international community in reversing that trend.

35. Regarding international cooperation, several delegations discussed the role of regional and international organizations. Participants highlighted the importance of providing financial and technical cooperation for national health systems in developing countries, offering personnel and providing access to affordable medicines. Some delegations suggested that international cooperation should focus on promoting stable nations with the economic capacity to develop and sustain adequate health investment, and called on United Nations agencies, funds and programmes to provide technical assistance to

build resilient health systems. They emphasized the need for equity, mutual respect and solidarity to overcome economic imbalances. Several delegations asked how United Nations funds and programmes could give practical effect to the achievement of the right to development in order to create global capacity in the area of public health. Dr. Ren particularly emphasized that health was relevant to all social and economic development, and that therefore all United Nations agencies, funds and programmes should work together to support capacity-building at the country level.

36. A number of States described their experiences and best practices in ensuring universal health care. They included Georgia, which launched its universal health-care system in 2013, providing State-funded health-care coverage for all citizens. Participants similarly heard how the national health policy of Haiti was based on universality, equity and quality. In El Salvador, the levels of maternal mortality had reportedly been reduced and the country had already achieved target 3.1 of the Sustainable Development Goals. According to the delegate, 98 per cent of births took place in hospitals with qualified staff. El Salvador had also reduced the levels of chronic malnutrition by 42 per cent, through school meals programmes for 1.3 million schoolchildren, and provided vouchers for pregnant women, breastfeeding mothers and children with anaemia. Several countries also highlighted their role in promoting international cooperation. Qatar, for instance, had hosted an annual global health summit.

III. Conclusions

37. In their final remarks, all the panellists highlighted the importance of universal health systems for realizing the right to health for all without discrimination, drawing particular attention to the situation in China and Cuba, including their provision of international assistance. Panellists also emphasized the centrality of the right to health and universal health-care systems to the realization of all the Sustainable Development Goals and in making sure that no one was left behind. Several panellists also underscored the need for a multisectoral approach, moving beyond separate agendas, and a focus on the groups living in the most vulnerable situations, including refugees and migrants.

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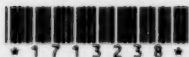
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**Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development**

**Panel discussion on unaccompanied migrant children and
adolescents and human rights****Report of the United Nations High Commissioner for Human Rights***Summary*

The present report is submitted pursuant to Human Rights Council resolution 33/7, in which the Human Rights Council decided to hold a panel discussion on unaccompanied migrant children and adolescents and human rights, the objective of which was to identify challenges and best practices by countries of origin, transit and destination, and possible joint efforts at all levels to protect the human rights of unaccompanied migrant children and adolescents, and requested the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to facilitating their participation in the panel discussion (see para. 5 of the resolution). The Council also requested the High Commissioner to prepare a report on the panel discussion in a form of a summary for submission at its thirty-sixth session (see para. 6 of the resolution). The present report summarizes the panel discussion on unaccompanied migrant children and adolescents and human rights that was held on 9 June 2017, during the thirty-fifth session of the Council.



I. Introduction

1. Pursuant to its resolution 33/7, the Human Rights Council decided to convene at its thirty-fifth session a panel discussion on the theme "Unaccompanied migrant children and adolescents and human rights", the objective of which would be to identify challenges and best practices by countries of origin, transit and destination, and possible joint efforts at all levels to protect the human rights of unaccompanied migrant children and adolescents, and requested the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to facilitating their participation in the panel discussion (see para. 5 of the resolution). Furthermore, the Council requested the High Commissioner to prepare a report on the panel discussion in the form of a summary for submission to the Council at its thirty-sixth session (see para. 6 of the resolution).¹

2. The panel discussion was held during the thirty-fifth session of the Human Rights Council, on 9 June 2017. It was chaired by Joaquín Maza Martelli, President of the Human Rights Council. The opening remarks were delivered by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights.

3. The panel was moderated by Peggy Hicks, Director of the Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights (OHCHR). The panellists were Benyam Dawit Mezmur, Member of the Committee on the Rights of the Child; Cristiana Carletti, Associate Professor of International Law, Roma Tre University; Lucio Melandri, Senior Emergency Advisor, United Nations Children's Fund (UNICEF); Obiora Chinedu Okafor, Member of the Human Rights Council Advisory Committee; and Gholamreza Hassanpour, a former unaccompanied migrant youth, who was assisted by Katerina Giannikopoulou, Social Worker, Greek Council for Refugees.

4. The panel aimed to allow for exchanges of views, challenges, best practices and joint efforts, by countries of origin, transit and destination, on the protection of the human rights of unaccompanied migrant children and adolescents. The discussion was an opportunity for States Members of the United Nations, international organizations, non-governmental organizations, national human rights institutions and other relevant stakeholders to discuss issues in relation to the effective protection of the human rights of unaccompanied migrant children and adolescents, with a focus on practices that respected and promoted the principle of the best interests of the child. The discussion also provided an opportunity for the panellists and participants to consider and recommend concrete ways to include the human rights of unaccompanied migrant children and adolescents within the global compact for safe, orderly and regular migration.

5. Migrant children and adolescents, in particular those who are unaccompanied or separated from their families, can be at heightened risk of human rights violations at various points in their migratory journey, in countries of origin, transit and destination. During their journey, children may be exposed to crimes and human rights abuses, including theft, kidnapping and extortion, denial of access to health, education, food, water and housing, violence and physical abuse, and forced labour, as well as sexual exploitation and abuse. In its resolution 33/7, the Human Rights Council expressed deep concern in that regard, and highlighted the fact that the protection and assistance needs of many unaccompanied migrant children, often including their most basic needs, have not yet been met.

6. The drivers for such movements are multiple and intertwined, and may include extreme poverty, lack of access to fundamental human rights such as education, health and

¹ The full video of the panel discussion is available from <http://webtv.un.org/meetings-events/human-rights-council/watch/panel-discussion-on-unaccompanied-migrant-children-12th-meeting-35th-regular-session-human-rights-council/5466188996001#full-text>.

decent work, the search for family reunification, the death of one or both parents, the consequences of climate change, natural disaster and environmental degradation, all forms of violence, and lack of personal safety.

7. In the landmark New York Declaration for Refugees and Migrants, adopted in September 2016,² Member States recognized the special needs of migrants in vulnerable situations, including children, especially those who are unaccompanied and separated from their families, and committed to protecting their human rights and fundamental freedoms, regardless of their status, giving primary consideration at all times to the best interests of the child. Furthermore, Member States made a number of concrete commitments on human rights issues related to unaccompanied children and those separated from their families, including to refer their care to the relevant national child protection authorities and other relevant authorities; to provide for basic health, education and psychosocial development; to ensure the registration of all births on their territories; to ensure that all children are receiving education within a few months of arrival; to prioritize budgetary provision to facilitate access to education after arrival; and to strive to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities. In addition, Member States committed themselves to comply with the obligations set out under the Convention on the Rights of the Child.

8. In the New York Declaration, Member States agreed to develop in 2018 a global compact for safe, orderly and regular migration, which would set out principles and commitments regarding international migration in all its dimensions. The resolution establishing the modalities of the process³ invites Member States to also take into consideration, in the consultation phase, their perspectives with regard to the complex interrelationship between migration and all human rights, to gender equality and to the needs of migrants in vulnerable situations, and perspectives involving migrant children and youth, including unaccompanied migrant children, in order to promote a comprehensive understanding of international cooperation and migration governance in all its dimensions.

II. Opening remarks

9. The High Commissioner, Zeid Ra'ad Al Hussein, welcomed the Council's attention to the urgent subject of human rights violations suffered by many unaccompanied migrant children and adolescents. He noted reports of UNICEF that the global number of children on the move on their own had reached a record high. At least 300,000 unaccompanied and separated children had been recorded in some 80 countries in 2015 and 2016, up from 66,000 in 2010 and 2011. Many of those children were fleeing situations of conflict and violence, while others were escaping poverty, discrimination and the consequences of natural disasters and climate change. Some of them migrated entirely independently, hence they were extremely vulnerable to smugglers and traffickers as well as to various violations of their human rights.

10. The High Commissioner expressed his concern that migration governance systems had failed to take into account children's views, which heightened the risks faced by children, who were determined to continue in order to reach their intended destination. He stressed that the best interests of the child must guide all relevant policies, including with regard to age assessments, entry, stay and expulsion, access to basic services, family reunification and appointment of guardians. The High Commissioner urged in-depth determination of each child's need for protection, and of the harm that may result from deportation. If a child was sent back to the same conditions that had compelled his or her departure, the result may be repeat migration through increasingly dangerous routes. He also expressed concern at the shockingly inadequate conditions faced by children in immigration detention, noting that the detention of children because of their or their parents' migration status was never in the best interests of the child and that it always constituted a human rights violation.

² See General Assembly resolution 71/1.

³ Ibid., annex II.

11. The High Commissioner reminded Member States that in the landmark New York Declaration, adopted in 2016, they had acknowledged the particular vulnerability of all migrant children, especially those who were unaccompanied. States had committed themselves to ensuring the highest level of protection of those children. He informed Member States that OHCHR was leading the development, within the Global Migration Group, of principles and guidelines on migrants in vulnerable situations, which were aimed at ensuring meaningful protection of migrant children on the ground. He concluded that the global compact for safe, orderly and regular migration should aim to build a global framework that ensured that future generations were spared the hellish journeys that far too many boys and girls faced today.

III. Summary of the panel discussion

A. Contributions of the panellists

12. Benyam Dawit Mezmur, of the Committee on the Rights of the Child, emphasized that the issue of unaccompanied migrant children and adolescents was a global issue of the utmost importance. He cited the considerable share of unaccompanied persons among migrant minors on the perilous route from Libya to Italy: that share amounted to 92 per cent in 2016, up from 75 per cent in 2015. He reminded the Council of the current undertaking of the Committee on the Rights of the Child, which was producing a joint general comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on the human rights of children in the context of international migration. His speech focused on the same issue, and was structured around five areas of concern, namely age determination, reception and return, guardianship, exploitation, and access to justice and due process.

13. Mr. Mezmur emphasized that age determination played a decisive role in defining the scope of application of the Convention on the Rights of the Child. The outcome of that process could result in an individual being categorized either as an unaccompanied minor entitled to the protection provided by the Convention, or as an undocumented migrant. He also noted that, in a number of instances, the methods used for age assessment could be intrusive without providing conclusive results, and that such methods did not comply with the principle of the best interests of the child. He added that, pending the outcome of the process, each person whose age was being assessed should be treated as a child; in particular, the person should not be detained in countries that had prohibited the immigration detention of children.

14. With regard to reception and return, Mr. Mezmur emphasized that providing an adequate standard of living to unaccompanied minors was an obligation of the State. In particular, short-term reception and protection in shelters, but also longer-term assistance to support local integration and family tracing, should be made accessible to all, including children with disabilities, their parents and guardians, pregnant women and breastfeeding mothers. The right to an adequate standard of living should also prevail during the preparation of a child's return to the country of origin. In all those varied situations, child protection authorities should be involved in designing and implementing State policies. Moreover, clear and binding firewalls should be established between housing providers (public and private) and immigration enforcement authorities.

15. With respect to guardianship as well as to access to justice and due process, Mr. Mezmur stated that both were crucial to the well-being of unaccompanied migrant children and adolescents. In particular, family reunification rights should be expanded to persons under subsidiary protection; and families separated due to conflict or disaster should be reunited, in line with the child's best interests. Finally, he contended that the current migrant crisis underlined the limitation of child protection services in numerous countries. He called on States to increase the funding of these services, including by strengthening human resources. In his concluding remarks, he emphasized that given the fundamental role that the Convention on the Rights of the Child had played in times of humanitarian crises, it

was legitimate for States to use the Convention to guide their response to migratory movements.

16. Cristiana Carletti, of Roma Tre University, emphasized that all children, including unaccompanied minors, were entitled to have their human rights respected, and in particular to have their best interests taken as a primary consideration in host, transit and destination countries. Taken in conjunction with the Convention relating to the Status of Refugees, of 1951, that principle should be seen as reinforcing and expanding the Convention provisions for the protection of unaccompanied minors in instances where domestic protection alternatives were being assessed or when removal of a child to a "safe third country" or to the child's country of origin was being considered.

17. According to Ms. Carletti, the following measures can be put in place in order to address unaccompanied minors' basic needs: establishing appropriate identification and age assessment procedures in reception centres; recruiting personnel with specific skills to work alongside unaccompanied minors, including cultural mediators; adopting methodologies to trace family members so as to facilitate the implementation of family reunification programmes; assisting voluntary repatriation, using a case-by-case approach; and creating a specific data collection system, to include all essential information about each case. Moreover, Member States should persevere in their efforts to develop in 2018 a global compact for safe, orderly and regular migration.

18. Ms. Carletti cited as an example of good legislative practice the approval by the Italian Parliament of Act No. 47 of 7 April 2017, which provided new, comprehensive legislation on accompanied and unaccompanied minors, in compliance with Human Rights Council resolution 33/7. In particular, the Act repeated the principles formulated by the Committee on the Rights of the Child, such as its definition of "unaccompanied minors", and the principle of non-refoulement of unaccompanied minors at border; reduced the maximum length of time that the identification process could take for unaccompanied minors; provided them with psychosocial support and with access to education and health care; created a list of voluntary guardians, managed by local communities; and ensured the direct participation of unaccompanied minors in decision-making processes concerning them.

19. Lucio Melandri, of UNICEF, noted that the number of children moving across international borders had been skyrocketing in the past decade. For example, in Europe alone, the number of children seeking asylum had multiplied almost tenfold between 2008 and 2016. Because the factors driving children to seek refuge, such as hunger, conflict, violence, poverty and climate shocks showed no sign of abating, migration flows were expected to remain constant or to grow.

20. States' migration management, depending on their inclination, could either contribute to protecting unaccompanied migrant children and adolescents or could increase the risks they were exposed to. For instance, sudden border closure measures and aggressive pushbacks could leave children in countries where they were not welcomed, or had few opportunities. Consequently, children could turn to smugglers, who ranged from people who were helping others in need, for a fee, to organized criminal networks that exploited and abused children.

21. Barriers to legal migration did not stop children from migrating but only pushed them underground, thereby making them more vulnerable to trafficking and exploitation. The lack of timely information, of guardians and of access to services, as well as weak child protection systems and inadequate law enforcement measures, worked in favour of traffickers and against the children. Moreover, even when unaccompanied migrant children were highly in need, their mistrust of institutions, and their fear of detention and deportation, prevented them from coming forward to seek protection and support.

22. Hence, UNICEF recommended that Member States: (a) protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence; (b) end the detention of children seeking refugee status or migrating, by introducing a range of practical alternatives; (c) keep families together, as the best way to protect children and give children legal status; (d) keep all refugee and migrant children in education and give them access to good-quality health care and other services; (e) press for action on the

underlying causes of large-scale movements of refugees and migrants; and (f) promote measures to combat xenophobia, discrimination and marginalization.

23. The UNICEF representative concluded his speech by asserting that those recommendations were feasible, and gave the examples of a few "champion" countries for children, including Canada, Germany, Italy and Uganda. Italy had recently approved a model law on the protection and inclusion of unaccompanied asylum-seeking children. UNICEF also supported Member States' efforts in establishing alternatives to detention, such as foster families and group homes and the timely appointment of guardians.

24. Obiora Chinedu Okafor, of the Human Rights Council Advisory Committee, presented the study that the Advisory Committee had been mandated to conduct. Its goal was to provide a comprehensive analysis of the situation of unaccompanied migrant children and adolescents from a human rights perspective. For Mr. Okafor, it was impossible to stress enough the extent and depth of vulnerability of vast numbers of unaccompanied migrant children and adolescents. In one country, for example, three quarters of unaccompanied migrant children and adolescents had experienced violence, aggression and/or harassment at the hands of adults.

25. Some of the main human rights issues facing unaccompanied migrant children and adolescents were: trafficking for sexual and economic exploitation; brutality perpetrated both by law enforcement agents and by non-State actors; deprivations or violations of their rights to access basic education, health care, housing and other social protection measures; racial discrimination in some transit and destination countries; and gender-based discrimination and the increased risk of exploitation and/or violence faced by female unaccompanied migrant children and adolescents.

26. The forthcoming recommendations that would be issued by the Human Rights Council Advisory Committee included recommendations that Member States: (a) implement more effectively the existing domestic and international legal frameworks for the special protection of unaccompanied migrant children and adolescents; (b) bring their domestic regimes up to par with international human rights law, especially the Convention on the Rights of the Child and the jurisprudence of the Committee on the Rights of the Child; (c) reorientate their practice, from a predominantly "border control" approach that emphasizes too much the apprehension, detention and deportation of unaccompanied migrant children and adolescents, to the "best interests of the child" approach; (d) provide more special sensitivity training to border control and other relevant agents and/or staff on the situation, needs and treatment of unaccompanied migrant children and adolescents; (e) do more to treat unaccompanied migrant children and adolescents who pass through, or are otherwise on, their territories, much like they are supposed to treat their minor citizens who are in a vulnerable position; and (f) develop and keep more specific, and disaggregated, data on the situation of unaccompanied migrant children and adolescents in their territories.

27. Gholamreza Hassanzadeh, the former unaccompanied migrant child, assisted by Katerina Giannikopoulou of the Greek Council for Refugees, shared his experiences with the Council. He equated them to the experiences of unaccompanied minors throughout the world. Growing up in the Islamic Republic of Iran as an Afghan refugee had been extremely difficult for him, as he had not been able to access health care nor public education. At the age of 16, he had left his family and fled towards Europe. He had almost lost his life on numerous occasions during that dangerous journey. At the border between the Islamic Republic of Iran and Turkey, he had walked for ten nights and hidden inside caves in the mountains to avoid arrest, following a smuggler he had paid. He had entered Turkey in a small and overcrowded truck and had been arrested by the Turkish army, detained in a makeshift camp and subjected to rain and freezing temperatures. He had then been abandoned at the border and forced to surrender to traffickers, who had demanded that he buy his freedom back, which he had eventually managed to do.

28. From Turkey, Mr. Hassanzadeh had embarked on an overcrowded lifeboat in the middle of the night — to avoid coastguard patrols — and had arrived on Lesbos, in Greece. Thinking that he would be safe in Europe, he had turned himself in to the authorities and had been threatened and beaten up by Greek coast guards. He had then been brought to a detention centre, where children and adults were held together in very poor conditions.

There was only one toilet and one bathroom for fifty people. Detainees were allowed 30 minutes a day outside in the yard, and no contact with anyone on the outside.

29. He had eventually been released and had come to Athens, where he had shared a room with ten other Afghans, and had got a job as a tailor working 12 hours a day for a year. However, he had other aspirations, and had made contact with an association, which had helped him to learn the Greek language and to register in school. After seven years, his asylum application had been examined and he had been recognized as a refugee. He had recently acquired Greek citizenship. For the past six years, he had been an interpreter for the Greek Council for Refugees, helping to provide legal and social support to other unaccompanied child refugees and asylum seekers.

30. Mr. Hasmaspour emphasized the great dangers that migrant children were facing across the world. Smugglers, traffickers, border guards, police, or even fellow travellers could take advantage of them. He made three concrete recommendations to the Member States: (a) Child protection officers should be present at every step of the migration journey to ensure that children's best interests are safeguarded. Child protection officers — not police or border guards — should be making decisions as to what is best for unaccompanied children; (b) Children should have access to fundamental services such as interpretation, psychological support, education and health care. Where relevant, unaccompanied children should also have effective access to asylum procedures. There should be firewalls between children's access to these services and the migration enforcement functions of police and border guards; and (c) Children should be provided with adequate shelter and proper reception services, and immigration detention of minors should be suspended. Immigration-related detention was never in the best interests of the child.

B. Interactive discussion

31. Interventions were made during the plenary discussion by representatives of the European Union, Slovenia (also on behalf of Austria and Croatia), El Salvador (on behalf of the Community of Latin American and Caribbean States), Argentina, Sierra Leone, Mexico, France, Brazil, El Salvador, South Africa, the Council of Europe, Ecuador, the Holy See, the Plurinational State of Bolivia, the Russian Federation, Greece, Honduras, Colombia, Iraq, Turkey, Portugal, Fiji, Bulgaria, Pakistan (on behalf of the Organization of Islamic Cooperation), Libya, the United States of America, Jordan, the Bulgarian Republic of Venezuela and China. A small number of other participants requested the floor during the panel discussion but were unable to deliver their statements owing to a lack of time. These included representatives of the following States: Luxembourg, Kyrgyzstan, Pakistan, the Philippines and Switzerland.⁶

32. The International Committee of the Red Cross made an intervention, as did the following non-governmental organizations and national human rights institutions: the International Detention Coalition, in a joint statement with Terre des Hommes Fédération Internationale and Save the Children International; Save the Children International; the American Civil Liberties Union; the Equality and Human Rights Commission (of the United Kingdom of Great Britain and Northern Ireland), in a joint statement with the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission; Caritas Internationalis (the International Confederation of Catholic Charities), in a joint statement with the Associazione Comunità Papa Giovanni XXIII and with Dominicans for Justice and Peace – Order of Preachers; Defence for Children International, in a joint statement with the International Catholic Child Bureau; and the Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, in a joint statement with the International Volunteer Organization for Women, Education and Development.

33. The following sections represent a brief and non-exhaustive summary of the interventions made from the floor during the discussion.

⁶ The written interventions are on file with the Secretariat and are available for consultation.

34. Speakers emphasized that, above all, all children on the move were entitled to enjoy their human rights, and that they must be treated as children first and foremost. Protection should take place in accordance with international human rights standards, and especially in accordance with the Convention on the Rights of the Child. Thus, the best interests of the child should be a main consideration in any decision-making procedure, including with regard to age assessments, entry, stay and expulsion. Particular focus should be placed on the specific needs and vulnerabilities of migrant children and adolescents, as affirmed in the landmark New York Declaration. A robust gender analysis of the differential impacts of migration policies and programmes on migrant children of all genders was also essential, and procedural guarantees needed to be elaborated in order to address the rights and needs of unaccompanied minors. In a similar manner, the principle of non-discrimination should scrupulously be applied to all policies affecting migrant children and adolescents.

35. Speakers agreed that unaccompanied migrant children and adolescents constituted an extremely vulnerable group that was at an increased risk of grave human rights violations throughout their migration. Children often migrated not out of free choice, but in response to a reality aggravated by — *inter alia* — poverty, armed conflicts and the effects of climate change. Along hazardous migratory routes, both boys and girls were vulnerable to being trafficked and to other forms of abuse, exploitation and violence. They often had limited or no access to basic services, such as to education, health care and housing. As such, in many instances they were exposed to discrimination, exclusion and marginalization. Border control policies had also contributed to heightening the risks faced by migrant children, and some speakers noted that children were being denied protection at borders, including because they had been misidentified as adults. Speakers highlighted the need for all children to enjoy access to justice in the context of border management measures, including access to legal aid when this was necessary to avoid returns that were not in their best interests.

36. Participants emphasized that children must not be treated as criminals, and in that regard expressed concern that migrant children could be subjected to punitive policies as a result of their own migratory status or that of their parents. Speakers expressed the view that immigration detention of children should be avoided and alternatives should be pursued, taking into consideration the fundamental principle of the best interests of the child. Participants noted that even short periods of detention could have long-term effects on a child's development.

37. Speakers stressed that there was a need to enable the integration of migrant children in local communities, in order to ensure that they felt safe and welcome. Their non-discriminatory access to basic services was an important prerequisite in that regard. Language training and access to education were vital for migrant children's integration into society, and subsequently, also, their ability to access and contribute to domestic labour markets. The provision of documentation that met their needs and protected them from further vulnerability was another essential component in successful and rights-based integration.

38. Speakers shared a number of best practices that addressed the specific needs of unaccompanied migrant children and adolescents. It was emphasized that the international community should make every effort to uphold their human rights, and to ensure that specific protection interventions were put in place. Participants stressed that all such efforts should be reflected in the global compact for safe, orderly and regular migration, which should also be seen as an opportunity to develop robust, tangible and measurable commitments to upholding the human rights and fundamental freedoms of all migrant children, regardless of their status.

C. Responses and concluding remarks

39. During and after the interactive discussion, the Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR, in her capacity as moderator, gave panellists the opportunity to respond to questions and to make concluding remarks. She observed that there was a common concern among States

regarding the vulnerability of unaccompanied migrant children and adolescents and the human rights violations that they faced during their migratory journey. She stated that a lot of different words had been used to describe the situation of migrant children, but in the end the fact remained that they were children first and foremost, regardless of their legal category, their migration status or any other factor. She stressed that that fact had emerged strongly in the panel discussion. The protection of the child's best interests had to be a primary consideration that prevailed over migration management objectives, or other administrative considerations, and should be the guiding principle in establishing policy frameworks or public policies that affected children, including in the context of the appointment of guardians, age assessment, immigration detention, returns, access to basic services and family reunification. The principle of non-discrimination should similarly underpin all measures that affected migrant children and adolescents including education policies, migration border control measures and family reunification. A robust gender analysis of the differential impacts of migration policies and programmes on migrant children of all genders was also essential. A holistic and comprehensive approach constituted a key element of the survival, growth and development of migrant children, including the physical, mental, moral, spiritual and social dimensions of their development. The use of detention, even for short periods, could be extremely detrimental to their physical and mental health. The testimony of Mr. Hassanpour had underlined the importance of listening to migrant children's voices and of learning from their experiences. States should, thus, take measures to ensure the right of migrant children to be heard and their participation in decisions affecting them.

40. Mr. Mezmur stressed that the principle of the best interests of the child should be considered as a procedural right that needed to guide all relevant policies. In a number of instances, there had been a lack of emphasis on primary prevention. Exploitation risks were often exacerbated during the age assessment processes at borders. The provision of effective campaigns to address discrimination and hate speech against migrants, including children, and to facilitate their access to health services and education, was essential. Likewise, migrants, and particularly migrant children, should be granted residence status. In that way, they were more likely to be protected from serious human rights violations, including in the context of a lack of decent work in informal and unregulated sectors such as agriculture and mining. It was crucial to abandon the current numbers-driven approach to return procedures, and to put in place measures that responded to the reasons why children were migrating in the first place. That would help in protecting migrant children from having to move on ever more dangerous routes. Unfortunately, the acceleration of returns had been done at a high cost, particularly to the lives and rights of children on the move. In concluding, Mr. Mezmur highlighted the significant role played by regional organizations such as the Economic Community of West African States, which had developed promising practices for the identification of children on the move.

41. Ms. Carletti addressed States' efforts in regard to the global compact, suggesting that protection for unaccompanied children could be increased through domestic initiatives and legislation. She gave the example of the Italian action plan that provided for the creation of shelters for unaccompanied minors. Primary assistance, screening and other steps were guaranteed at those locations, and all relevant information was included in a designated system. Regarding how to strengthen migrant children's rights, she mentioned some key areas, such as guardianship systems and family tracing mechanisms. She also stated that training and education institutions were essential in allowing children to fully enjoy their right to access to education. Facilitating education avenues for children was crucial to facilitating their entrance in the labour market. Such measures and policies had been adopted in Italy, a country that had faced a massive influx of unaccompanied migrants in recent years.

42. Mr. Melandri stressed the need for commitments to be translated into action. Even though the Convention on the Rights of the Child was the most ratified human rights instrument, the problem lay in its implementation at national level. The Convention concerned all children in a country, regardless of their status. The main issue was to implement, update and upgrade national legislative frameworks and ensure that they reflected the components of the Convention. Children were holders of rights that all Member States had acknowledged and accepted through their ratification of international

instruments. The global compact process would likely be a non-binding and States-led process, however it was very important to continue to involve civil society and their expertise. On the issue raised by Portugal regarding transition from education to the labour market, UNICEF was of the opinion that the education system was the best way to integrate migrant children into the host society.

43. Mr. Okafor said that the law on its own could not effect social change, hence practical measures were necessary in order to increase the human rights protection of unaccompanied migrant children and adolescents. He also identified the need for alternative migration pathways, which would be credible and realistic and would ease the pressure on irregular routes. Migration-related problems could not be disassociated from economic and social considerations, which lay at the heart of the decision of people to migrate. Accordingly, socioeconomic policies should accompany the policies instituted in the domain of migration. Finally, Mr. Okafor stressed that the global compact should encompass the possibility of setting an educational policy. Language training and education were essential means for migrants' integration into the job market.

44. Mr. Hassanpour, assisted by Ms. Giannikopoulou, recalled that upon his arrival in Greece, in 2005, he had spent some time in a detention centre for unaccompanied children. Since 2005, there had been many changes regarding unaccompanied children. Nowadays there were more services, but at the same time, the number of unaccompanied children had increased. Moreover, there were not enough people with specialist skills working for the protection of unaccompanied children, such as interpreters and psychologists. There were also no programmes for social inclusion and integration, and as such, the streets of Athens were filled with unaccompanied and separated children on the move. Mr. Hassanpour welcomed the fact that all speakers had referred to laws regarding the protection of children, especially unaccompanied children. However, he went on to underline the importance of implementing such laws and making them real in practice. The most dangerous part of his migratory experience had been the journey. The international community should find solutions so that unaccompanied children did not have to travel in such perilous ways. Either they should be safe in their own countries, or they should be able to find safe and legal ways to migrate. The money that currently went to smugglers could go towards visas or travel documents instead. States should cover unaccompanied migrant children's and adolescents' needs, especially their educational needs. Being able to live a healthy and productive life was the key to the integration, well-being and dignity of unaccompanied migrant children and adolescents.

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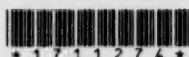
11-29 September 2017

Agenda items 2 and 3

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General****Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Report of the United Nations High Commissioner for Human
Rights on the rights of indigenous peoples***Summary*

The present report is submitted pursuant to Human Rights Council resolution 33/13. It contains information on relevant developments relating to human rights bodies and mechanisms and outlines the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration. The report covers the period from May 2016 to May 2017.

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I. Introduction

1. In its resolution 33/13 on human rights and indigenous peoples, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue to submit to it an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms. It also requested the High Commissioner to report on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. The present report focuses on the work of OHCHR on the rights of indigenous peoples, including the participation of indigenous peoples in United Nations processes and support provided to the mandates of the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples. The report provides illustrative examples of OHCHR activities and initiatives undertaken at Headquarters and by field offices that contribute to the realization of the rights of indigenous peoples. It also outlines recent developments within United Nations human rights bodies and mechanisms, including treaty bodies, and the activities of special procedure mandate holders, as far as their work pertains to indigenous peoples.

II. Participation of indigenous peoples in United Nations processes

3. Every year, OHCHR supports indigenous peoples in improving their knowledge of and participation in United Nations human rights bodies and mechanisms.

4. During the reporting period, 29 indigenous peoples' representatives (13 women and 16 men) from Argentina, Australia, Bangladesh, the Bolivarian Republic of Venezuela, Brazil, Canada, Chile, Colombia, the Democratic Republic of the Congo, Ethiopia, French Guyana, Guatemala, India, Israel, Kenya, Mali, Mexico, Morocco, Nepal, the Plurinational State of Bolivia, the Russian Federation, Rwanda, Thailand and the United States of America participated in the annual indigenous fellowship programme, which took place in Geneva between June and July 2016. The fellows were introduced to issues of particular relevance to indigenous peoples, such as the human rights of indigenous peoples in the context of business and extractive industries, international financial institutions and women's rights. All the fellows attended the ninth session of the Expert Mechanism, at which they organized their own side event on the topic of indigenous perspectives on the right to health. Moreover, a national fellow worked with the OHCHR Senior Human Rights Adviser in Nairobi.

5. OHCHR also organized a senior indigenous fellowship programme over the course of four months to provide on-the-job training. In 2016, the senior indigenous fellow came from Australia and was involved in the facilitation of events and the preparation of analytical briefs, reports and speeches. She also participated in trainings on critical human rights issues and attended the sessions of the Human Rights Council and the Expert Mechanism.

6. Over the past 31 years, the mandate of the United Nations Voluntary Fund for Indigenous Peoples has been expanded seven times, in order to support the participation of indigenous peoples in an increasing number of human rights mechanisms. In 2016, the Fund allowed the allocation of 98 grants to support the participation of representatives from indigenous peoples' organizations and communities in sessions of the Permanent Forum on Indigenous Issues (25), the Expert Mechanism (20), the Human Rights Council (2), including its universal periodic review (1), and of treaty bodies (9).

7. The Fund also supported meetings convened to follow up the outcome document of the World Conference on Indigenous Peoples, including the General Assembly consultation process aiming to enhance the participation of indigenous peoples' representatives in

United Nations meetings on issues affecting them. The participation of the beneficiaries of the Fund at those two meetings was crucial to their success.

8. In addition to providing financial support to enable the participation of indigenous peoples in United Nations meetings, the Fund allocated resources to equip indigenous peoples with the tools needed to make them truly effective participants in those meetings. For example, in partnership with the organization Indigenous Peoples' Centre for Documentation, Research and Information, the Fund organized human rights training modules in Geneva and New York, in the margins of the sessions of the Expert Mechanism and the Permanent Forum.

III. Activities of the Office of the United Nations High Commissioner for Human Rights and recent developments in human rights bodies and mechanisms

9. Despite considerable advances in terms of participation of indigenous peoples, democratic space for indigenous human rights defenders is shrinking in many places. In parallel, indigenous peoples are rarely consulted on development priorities and strategies, extractive industries and the use of lands, territories and other resources that have an impact on their rights. The lack of access to justice for indigenous peoples in State legal systems, the lack of statutory recognition and adequate protection of indigenous and community land rights and the negative impact of environmental destruction on the health and food security of indigenous peoples all contribute to the challenges experienced by indigenous peoples worldwide.

10. In order to address these concerns and translate the promise of the United Nations Declaration on the Rights of Indigenous Peoples into reality, OHCHR provided technical assistance to Member States, indigenous peoples, civil society organizations and United Nations bodies. OHCHR strengthened its efforts to involve indigenous peoples in all international initiatives that affect them, including the implementation of the 2030 Agenda for Sustainable Development. OHCHR has assisted national partners in reforming and implementing legal frameworks, policies, strategies and national action plans, as called for in the outcome document of the World Conference.

11. In many contexts, the work of OHCHR has focused on supporting improved follow-up to human rights mechanisms' recommendations on indigenous peoples' rights. During the reporting period, indigenous peoples' rights were mentioned in the recommendations and concluding observations of several treaty bodies, and in the reports, communications and other activities of several special procedure mandate holders. These United Nations human rights mechanisms provided detailed, country-specific recommendations to improve the implementation of indigenous peoples' rights, including on ensuring that indigenous peoples have the resources and support to build their capacity, so as to be able to claim their rights and interact on equal footing with the authorities, the private sector and human rights mechanisms, free from harassment and reprisals. They also highlighted the need that all those whose decisions have an impact on indigenous peoples and their lands — from State authorities to business enterprises and international financial institutions — are familiarized with the standards of the Declaration and understand that they are commitments that need to be respected.

A. Business, extractive industries and human rights

12. One of the key areas of concern for OHCHR and human rights mechanisms has been the protection of indigenous peoples' rights in connection with business and extractive industries.

13. A number of OHCHR field presences have paid special attention to the procedural and substantive aspects required for States to respect the principle of free, prior and informed consent and to enable the meaningful participation of indigenous peoples in the

context of large-scale projects and economic interests over indigenous lands, territories and natural resources.

14. For example, the Office of the United Nations High Commissioner for Human Rights OHCHR in the Plurinational State of Bolivia monitored two consultation processes for mining projects. The Office urged the Mining Administrative Jurisdictional Authority to engage in a genuine dialogue with indigenous communities in order to protect and promote their collective interests.

15. The Office of the United Nations High Commissioner for Human Rights in Honduras has advocated for the inclusion of international human rights standards in the government-led process to discuss a draft law on the right to free, prior and informed consent. In March 2017, the Office held several meetings with the main national private and industrial associations to promote the Guiding Principles on Business and Human Rights and the United Nations "Protect, Respect and Remedy" Framework. Furthermore, at the request of the Honduran authorities, the Special Rapporteur conducted a visit to the country in April 2017 to follow up to the recommendations on the process to regulate free, prior and informed consent and consultation.

16. In March 2017, OHCHR organized an expert seminar in Boulder, United States of America, jointly with the University of Colorado Law School. The main objective of the seminar was to collect substantive information for the study by the Expert Mechanism on good practices and challenges in business and in access to financial services by indigenous peoples.

17. In August 2016, the Special Rapporteur submitted to the Human Rights Council at its thirty-third session the second of three reports dedicated to international investment agreements and their impacts on indigenous peoples' rights (A/HRC/33/42). In her report to the General Assembly at its seventy-first session (A/71/229), the Special Rapporteur chose to explore how conservation measures affect indigenous people and recommended means to increase respect for indigenous peoples' rights. In February 2017, the Special Rapporteur carried out a follow-up visit to examine the situation of indigenous peoples in the United States, in particular to the situation related to extractive industries.

18. During the reporting period, the Committee on Economic, Social and Cultural Rights recommended to Honduras that it draft clear guidelines and regulations for evaluating the social and environmental impact of natural resource exploitation projects, in particular those carried out in territories of indigenous or Afro-Honduran peoples. The Government was urged to ensure that communities affected by the exploitation of natural resources are consulted, receive compensation for damages or losses incurred and receive a share of the profits from said activities.

19. The Human Rights Committee urged Colombia to step up its efforts to ensure the timely and effective implementation of the plans developed for the preservation of the 34 indigenous peoples identified as being at risk of cultural or physical extinction or disintegration. Many of those indigenous peoples are represented in the indigenous human right defenders network in Putumayo developed by the Office of the United Nations High Commissioner for Human Rights in Colombia, supporting the effective use of tools and mechanisms for the protection of their territories. The Office also supported the indigenous Nasa people of Putumayo, in coordination with the regional Ombudsman's Office in implementing a protection mechanism called "*tutela*" for claiming their rights, including in connection with planned extractive activities in the territory.

20. The Committee on Economic, Social and Cultural Rights urged the Philippines to ensure that free, prior and informed consent of the indigenous peoples concerned is obtained before granting licences to private companies; and that indigenous peoples are represented by their own freely chosen representatives in local decision-making bodies, such as local mining boards and development units.

21. The Committee recommended that Sweden review relevant legislation, policies and practices that regulate activities that may have an impact on the rights and interests of the Sami people, including development projects and the operations of extractive industries, and in particular the Minerals Act, the Minerals Strategy and the Environmental Code.

22. The Committee on the Rights of the Child recommended that Peru require all companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts, ensuring that all affected groups of indigenous peoples are involved in relevant consultation processes and that their views, including the views of indigenous children, are duly taken into account.

23. On 1 May 2017, the Committee on the Elimination of Racial Discrimination issued an admissibility decision concerning a petition against Sweden submitted by the Head of the Saami Council Human Rights Unit. The petitioners alleged that Sweden had breached its obligation under the Convention when granting to a private mining company an exploitation concession consisting of three open-pit mines in a region where pasture areas of critical importance to reindeer herding cycle are located. The petition has been declared admissible and the Committee will review its merits in an upcoming session.

B. Human rights defenders

24. During the period under review, the shrinking of democratic spaces and the criminalization of protest activities continued to pose many challenges for human rights defenders working for the rights of indigenous peoples.

25. At the high-level event to mark the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples, the Assistant Secretary-General for Human Rights recalled that, according to the non-governmental organization (NGO) Frontline Defenders, out of 281 human rights defenders killed in 25 countries in 2016, almost half had been defending their land, environment and indigenous rights, despite the repeated calls for protection of indigenous human rights defenders by the Special Rapporteur and others.

26. The protection of those defending indigenous peoples' rights was also raised by various OHCHR field presences. The Office of the United Nations High Commissioner for Human Rights in the Plurinational State of Bolivia issued a press release to urge the Public Ministry to investigate the facts and identify those responsible for the threats and acts of aggression against human rights defenders and their NGOs, who supported the process of indigenous autonomy in Charagua Iyambae, by a group of local settlers who opposed the indigenous autonomous process.

27. The Office of the United Nations High Commissioner for Human Rights in Colombia prioritized the monitoring of situations of violence, insecurity and abuses affecting indigenous peoples, including attacks against indigenous leaders. It also provided training and technical assistance to 150 indigenous guards from the Nasa, Embera Chami and Motilón Bari communities, enabling them to exercise their authority in cases of breaches of their own laws and to coordinate with public security forces in cases that fall under the ordinary jurisdiction of the competent prosecution office.

28. The Office of the United Nations High Commissioner for Human Rights in Guatemala has registered and documented dozens of cases of threats and attacks against indigenous human rights defenders, especially in the context of the defence of lands, territories and natural resources, coordinating with relevant State authorities to provide and follow up on protection measures for the victims, including with the Unit for the Analysis of Attacks against Human Rights Defenders of the Ministry of the Interior. OHCHR is also providing technical assistance to the Government in the development of a public policy on the protection of human rights defenders.

29. Together with the International Labour Organization (ILO), the Office provided technical assistance to the Ministry of Labour and Social Security for developing a protocol to monitor the situation of agricultural workers, the majority of whom are indigenous.

30. The Office of the United Nations High Commissioner for Human Rights in Honduras monitored issues related to lack of land demarcation and alleged corruption on the provision of titles over indigenous lands, territories and resources, observing an increase

in violence against indigenous human rights defenders, who faced smear campaigns, criminalization and severe attacks against their life and physical integrity.

31. The Office has also been monitoring closely the case of the murder in March 2016 of the indigenous human rights defender and environmentalist Berta Cáceres, including the implementation of protection measures of the National Protection Mechanisms granted to her relatives and lawyers and to the members of the Council of Popular and Indigenous Organizations of Honduras. The Inter-American Commission on Human Rights has also granted them precautionary measures. The Office has coordinated efforts with the International Advisory Group of Experts and various American NGOs, including the Mission to Support the Fight against Corruption and Impunity in Honduras.

32. Human rights treaty bodies have also raised concerns about the situation of human rights defenders working on indigenous peoples' rights. The Committee on Economic, Social and Cultural Rights expressed alarm at the defamation of, threats made against and, in particular, murder of human rights defenders, including leaders of indigenous and Afro-Honduran groups. The Committee also expressed concerns about the murders of Berta Cáceres and Retoé Martínez and recommended that Honduras investigate those murders, duly punish those found responsible and widely disseminate the results of the investigations.

33. The Committee for the Elimination of Racial Discrimination expressed concerns at the constant threats against and murders of human rights defenders and leaders of indigenous and Afro-Colombian peoples and recommended that Colombia adopt effective and timely measures to prevent acts of violence against human rights defenders, including leaders and defenders of the rights of indigenous and Afro-Colombian peoples, ensure effective protection of their lives and personal safety and conduct thorough investigations and bring effective prosecutions of persons who threaten their lives and physical safety.

34. In his report to the General Assembly at its seventy-first session (A/71/281), the Special Rapporteur on the situation of human rights defenders chose to explore the issue of environmental human rights defenders and recommended that States guarantee the right of indigenous communities to consultation and participation in decisions at every stage of a project's life cycle. He also urged United Nations organizations and agencies to address the legal gaps that heighten risks for environmental human rights defenders, including weak environmental standards and laws protecting the rights of indigenous peoples, their land rights and customary title to territories and resources.

C. Early-warning mechanisms and monitoring of human rights violations

35. During the reporting period, OHCHR pursued several activities aimed at assisting national authorities and other relevant actors in taking steps to prevent or mitigate human rights violations, including by supporting early warning mechanisms, risk assessments and rapid response capacities.

36. In October 2016, the Office of the United Nations High Commissioner for Human Rights in the Plurinational State of Bolivia provided technical assistance and support to the Ombudsman's Office in relation to the Tacana people's complaint, which referred to the existence of indigenous peoples living in isolation in a territory where activities of oil exploration were taking place. Despite the complaint, oil operations continued. The Tacana people requested that the Inter-American Commission on Human Rights take precautionary measures.

37. The Office of the United Nations High Commissioner for Human Rights in Colombia supported the work of various protection mechanisms, such as the National Protection Unit of the National Commission on Human Rights for Indigenous Peoples. The Office also worked with indigenous authorities in strengthening their control and self-governance of lands, territories and resources that they possess by reason of traditional ownership.

38. Human rights treaty bodies also raised issues related to early warning. The Committee on the Elimination of Racial Discrimination recommended that Colombia

redouble its efforts to ensure full respect for human rights and international humanitarian law in relation to the territories of indigenous peoples, *inter alia* by ensuring that the risk reports issued by the early warning system are duly taken into account by the relevant authorities, particularly the Inter-Agency Early Warning Committee.

39. The Office of the United Nations High Commissioner for Human Rights in Guatemala carried out over 50 missions to observe specific cases of alleged human rights violations in the country, focusing on the human rights situation of indigenous agricultural workers, cases of threats and attacks against indigenous human rights defenders and cases of potential or escalating social conflicts resulting from extractive industries' activities affecting indigenous peoples. Many of those missions were carried out together with the National Human Rights Institution.

40. The Office of the United Nations High Commissioner for Human Rights in Honduras carried out more than 10 monitoring missions to observe social conflicts escalation resulting from land tenure issues, development and extractive projects.

41. On an ongoing basis, the Special Rapporteur on the rights of indigenous peoples has responded to specific cases of alleged human rights violations. Over the year in review, the Special Rapporteur has taken action on some 38 cases, including in the following countries: Australia, Brazil, Canada, Colombia, the Democratic Republic of the Congo, Ecuador, Ethiopia, Guatemala, Honduras, India, Indonesia, Kenya, Mexico, Morocco, Nicaragua, Panama, Paraguay, the Philippines, the United Republic of Tanzania and the United States. The Special Rapporteur also issued a communication to the World Bank.

D. Access to justice and strengthening the legal protection of indigenous peoples' rights

42. The Office of the United Nations High Commissioner for Human Rights in the Plurinational State of Bolivia assisted the Supreme Court and the Plurinational Constitutional Court in the elaboration of a protocol for coordination and cooperation between ordinary and indigenous jurisdictions, taking into account international and national standards on indigenous peoples' rights and the Court's jurisprudence. In May 2017, the Office contributed to the third meeting of authorities of indigenous jurisdictions, during which the protocol was validated, with the participation of more than six hundred indigenous peoples' representatives.

43. The Office also supported the establishment of the first autonomous indigenous community of Charagua Yimbae and the election of the first Guaraní autonomous government. The Office monitored the process, including the referendum for the adoption of the autonomous status, the elections and the entry into operation of the indigenous authorities in 2017.

44. From May 2016 to March 2017, within the framework of discussing a new constitution in Chile, the Office of the United Nations High Commissioner for Human Rights in Chile together with the United Nations Development Programme, ILO, the United Nations Children's Fund and indigenous representatives, at the invitation of the Chilean Ministry of Social Development, integrated a consultative council tasked to observe and provide technical advice on how the State can ensure and conduct a participatory process with indigenous peoples in line with international standards. Over 17,016 indigenous people from all regions of the country participated in the various meetings.

45. In August of 2016, the Office participated in a training session on indigenous peoples' rights in constitution-making. The Office delivered a presentation on indigenous peoples' rights under the Declaration. The event gathered over 100 representatives from all regions of the country, including public officers from the Ministry of Social Development and the Indigenous National Service, as well as representatives from universities, indigenous communities and United Nations agencies.

46. The Office of the United Nations High Commissioner for Human Rights in Colombia participated in key decision-making processes, such as the international forum on free, prior and informed consent. The forum served as a platform for the exchange of good

practices between indigenous peoples from Colombia, Mexico, Norway and Peru. The Office also provided advice to the National Commission for the Coordination of the National Judicial System, including the Special Indigenous Jurisdiction, on devising a work plan to strengthen indigenous peoples' traditional systems for the administration of justice.

47. In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee on the Elimination of Racial Discrimination recommended that Colombia improve the functioning of the special indigenous courts, guarantee access to justice and uphold respect for the fundamental right to due process, with guarantees, in cases involving members of indigenous peoples.

48. The Office of the United Nations High Commissioner for Human Rights in Honduras participated as an observer in the Inter-institutional Commission for the implementation of the sentences handed down by the Inter-American Court of Human Rights in the cases of *Punta Piedra v. Honduras* and *Triunfo de la Cruz v. Honduras* (October 2015).¹ In its rulings, the Court found Honduras to be in breach of its obligation to guarantee the collective rights of the Garifuna people due to its failure to provide an effective response to conflicting land titles affecting the communities. The Court requested Honduras to take steps to provide effective reparation and guarantees of non-repetition. It also urged Honduras to review legislative instruments found to be in breach of the right to free, prior, and informed consent, such as the General Mining Act of 2013.²

49. The Office of the United Nations High Commissioner for Human Rights in Guatemala has provided technical assistance to the Office of the Attorney General in developing internal guidelines for public prosecutors to avoid the criminalization of human rights defenders, which often result in serious cases of social and cultural disintegration within indigenous communities.

50. Through its Maya Programme, the Office of the United Nations High Commissioner for Human Rights in Guatemala has assisted indigenous peoples and the Government in relation to 11 strategic litigation cases involving issues related to access to land and resources, the protection of traditional knowledge in textile weavings, the legal recognition of indigenous communities' radios and the provision of adequate and culturally appropriate health services, achieving important legal and policy advances in these areas. Also in the framework of its Maya Programme, the Office supported the judiciary in developing an educational module for judges on access to justice for indigenous peoples. The Office carried out trainings for judges in Quetzaltenango, the second largest city in Guatemala, which has a significant indigenous population. The Office further assisted the Office of the Attorney General in developing a policy on access to justice for indigenous peoples, taking into account social, cultural, language and economic barriers that impede access to justice for indigenous peoples in the country. The policy, the product of several years' work, was launched on 24 May 2017, and contemplates the creation of a secretariat on indigenous peoples within the Office of the Attorney General.

51. The Office has supported the translation of the Constitution of Guatemala in four indigenous languages. A child-friendly version of the Constitution was launched at the department of Quiché in February 2017, together with representatives of the Ministry of Education and the President of the Constitutional Court.

52. As part of the technical secretariat of the National Dialogue on Justice Reform, the Office provided guidance on relevant human rights standards in order to include the recognition of indigenous jurisdictions within the Constitution of Guatemala, among other proposed reforms to strengthen the justice system. It also facilitated the participation of indigenous representatives.

[†] Available from www.copyright.com or <http://dx.doi.org/10.1002/9781118130171.ch101> and
www.copyright.com or <http://dx.doi.org/10.1002/9781118130171.ch102>

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93. The Office supported the implementation of reparations measures, including through health programmes and housing, ordered in the historic February 2006 judgment of the *Sepur Tzuc* case, which marked the first case where crimes committed against Q'eqchi' indigenous women, including sexual slavery during an armed conflict, were prosecuted in the country.

94. The Office of the United Nations High Commissioner for Human Rights in Honduras continued to support the work of the Inter-institutional Commission on the case of Misquito divers. The Commission was established in 2002 following a case brought by the Association of Disabled Divers Honduran Michito, the Association of Misquito Indian Women Matrin Asla Takanka and the Elder Council Almoh Nani Asla Takanka before the Inter-American Court of Human Rights.⁷

95. In 2016, the Commission on Human Rights of the Philippines and OHCHR co-organized a workshop to reinforce the capacity of the normative framework for the protection of the rights of minorities and indigenous peoples in Mindanao province in the Philippines. The workshops took place in Cotabato and Davao and included government line agencies, national and regional commissions and civil society organizations. Following the training, OHCHR was able to contribute to the revised draft national anti-discrimination legislation.

96. The Office of the United Nations High Commissioner for Human Rights in Tunisia provided support to an interministerial group in preparing a draft law on racial discrimination that penalizes any discrimination on the grounds of ethnicity. The Office also supported the national mechanism on reporting and follow-up in preparing the report to the Committee for the Elimination of Racial Discrimination and advising civil society organizations working on Amargh rights with regard to their submission to the Committee.

97. The Human Rights Committee urged Ecuador to adopt a specific legal and institutional framework governing the division of responsibilities between indigenous courts and ordinary courts and to guarantee respect for the rights and interests of indigenous communities, peoples and nationalities, ensuring that all members of such communities fully enjoy their rights under the Covenant.

98. The Committee against Torture, in considering the report of Ecuador, expressed concern that the bill on coordination and cooperation between the indigenous and ordinary justice systems was still awaiting adoption by the National Assembly. It encouraged the State party to take the legislative measures needed to establish mechanisms of coordination and cooperation between the indigenous and ordinary justice systems, as prescribed by article 171 in the Constitution of Ecuador, in order to guarantee fundamental rights and freedoms (see CAT/C/ECU/CO/7, paras. 19-20).

99. The Committee on Enforced Disappearances for the first time made reference to indigenous peoples in its concluding observations to Colombia (CEDC/COB/CO/1). The Committee expressed concern about reports of serious difficulties, in practice, in searching for disappeared persons and in identifying their remains. It recommended that the State party intensify its efforts to ensure that all actions to identify and return remains duly take into account the traditions and customs of the peoples or communities to which the victims belong, in particular indigenous peoples or Afrodescendant communities.

F. Land rights and food security

100. The Office of the United Nations High Commissioner for Human Rights in Cambodia continued to work with the Ministry of Land Management, Urban Construction and Planning, local governments and civil society organizations to support indigenous peoples' efforts to apply for collective land titles and provide legal aid to communities that have suffered from land rights violations. The Office also collaborated with the Ministry of Rural Development and the local authorities of Koh Kong Province on the registration of

⁷ Available at: <https://www.civilica.com.br/arquivo/show.php?Honduras1166-04-01-161>.

the identity of eight indigenous communities of the Areng valley. OHCHR facilitated the building of trust between indigenous peoples and the authorities and raised awareness of indigenous peoples' rights among all stakeholders. In Kampong Speu, the Office held meetings with the provincial cadastral office to support the process of preliminary mapping of the communal land of the Oral indigenous community, a process that has been halted owing to a question surrounding the preliminary mapping, which the indigenous community has opposed.

61. The Office supported the participation of indigenous representatives in ongoing consultations on three law and policy documents related to intellectual property rights: a draft law on agricultural land; a draft environmental code; and draft guidelines on public participation in environmental impact assessments. The Office continued to work with the Ministry of Land Management, Urban Construction and Planning, the Ministry of Rural Development, local governments and civil society organizations to support the efforts of indigenous peoples to apply for collective land titles. OHCHR assisted with the provision of legal aid to communities that have suffered violations of their land rights. It also supported the Bunong communities from Busra in Mondulkiri Province to better assert their rights in relation to negotiations with a private company that had been granted a land concession. OHCHR observed and facilitated the meetings of the tripartite committee, which comprised representatives from the company, the Bunong communities affected by the land concession and local authorities. As a follow-up to the project, OHCHR partnered with an independent mediation group and committed to provide technical support to the affected indigenous communities during the pre-mediation period. Compensation agreements have since been reached in relation to one sacred site and the company made a commitment to review over 100 pending land claims. The role of OHCHR as a third-party broker helped the parties to engage in good-faith negotiations and to seek solutions to outstanding disputes over indigenous peoples' land and sacred forests.

62. The Office of the United Nations High Commissioner for Human Rights in Colombia supported the establishment of an Ethnic Commission for Peace and the Defence of Territorial Rights, an alliance of indigenous and Afro-Colombian organizations, and contributed to its inclusion in the Havana peace dialogues between the Government and the Revolutionary Armed Forces of Colombia (FARC). The outcome of this engagement was the inclusion of the "Ethnic Chapter" in the final peace accord, which includes principles applicable to the entire accord that guarantee that Afro-Colombians' and indigenous peoples' rights are safeguarded. The Office also provided support to local dialogue processes in Cauca and contributed to the agreements reached between the Uwa people and the Government in relation to gas exploitation in their ancestral territory. It further supported the dialogue between governmental institutions and indigenous peoples in Nariño and Putumayo on the voluntary programmes to substitute the growing of illicit crops with legal ones, in the framework of the implementation of the peace agreement.

63. The Office participated at the Mesa Permanente de Concertación, a national forum in which the representatives of indigenous peoples' main communities dialogue with the national Government on the adoption and implementation of legislative or administrative measures that may affect them.

64. The Office of the United Nations High Commissioner for Human Rights in Guatemala is providing technical assistance to the institutions responsible for dealing with land related conflicts, such as the Secretary of Agrarian Affairs and the Land Fund. There are currently 1,448 land conflicts in Guatemala, including on the existence of overlapping land titles, territorial limits, regularization and occupation of lands. The Office monitors cases of forced displacement of indigenous communities reclaiming lands, from which they were often forcibly displaced during the armed conflict and which are now under the control of private interests. The Office is also monitoring and documenting cases of conflicts faced by indigenous and *campesino* communities related to the administration of protected areas.

65. In August 2016, OHCHR organized a three-day meeting in Nakuru, Kenya, to enhance dialogue between members of the Endorois community, the Kenya National Human Rights Commission and Department of Justice, as well as the Ministry of Tourism and Kenya Welfare Service, as a follow-up to the decision by the African Commission on

Human and Peoples' Rights on the Endorois case (276/2003), and discussed a co-management process for Lake Bogoria.

66. In that regard, the Committee on Economic, Social and Cultural Rights noted with concern that, in Kenya, the implementation of the decision had been long delayed, despite its acceptance (see E/C.12/KEN/CO/2-5, para. 16). It recommended that Kenya implement the decision without further delay and ensure that the Endorois are adequately represented and consulted at all stages of the implementation process. It also recommended that Kenya set up a mechanism to facilitate and monitor the implementation, with active participation of the Endorois.

67. The Office of the United Nations High Commissioner for Human Rights in Myanmar contributed to a national policy dialogue on the rights of indigenous peoples in Myanmar, co-organized in Nay Pyi Taw by the Ministry of Ethnic Affairs, the Department of Economic and Social Affairs and the Chin Human Rights Organization. The event brought together over a hundred indigenous peoples' representatives from different parts of the country, strengthening ties among indigenous peoples and with interlocutors in Government and the international community.

68. In Paraguay, OHCHR together with partners from the inter-agency thematic group on human rights and indigenous peoples' rights developed guidelines to promote gender integration in relation to issues related to the right to participation and consultation and the right to land. As a result, indigenous women are in a better position to contribute to public policies on issues affecting them. Moreover, since 2015, OHCHR has participated as an associate in the Joint Programme on Food and Nutrition Security in Paraguay, which focuses on indigenous peoples and peasants communities. A key activity of the Programme is the development of right-to-food indicators, based on OHCHR human rights indicators and methodology.

69. In Paraguay, OHCHR also participated as an observer in negotiations in preparation of the friendly settlement agreement between the Paraguayan State and the Ayoreo-Totobiegosode people. The negotiations are based on the request by the Inter-American Commission on Human Rights for the adoption of precautionary measures in favour of the rights of the Ayoreo-Totobiegosode people, especially of the communities in voluntary isolation, known as the Jonoine-Urasade.

70. The Committee on Economic, Social and Cultural Rights recommended that Costa Rica protect the right of indigenous peoples to own, use, develop and control the lands, territories and natural resources that they possess, including through such legal recognition and protection as may be necessary, and ensure that lands occupied by non-indigenous persons are returned to them.

71. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Argentina from 16 to 23 May 2016. In his report on the mission (A/HRC/35/41/Add.1), he analysed the discrimination faced by indigenous peoples, in particular in terms of access to economic, social and cultural rights, as well as violations of civil and political rights. The Special Rapporteur also visited Australia from 28 November to 5 December 2016, during which time he addressed issues related to the situation of indigenous peoples (Aboriginal and Torres Strait Islanders). The Special Rapporteur also visited Fiji from 7 to 12 December 2016. In his report on the mission (A/HRC/35/41/Add.3), he addressed challenges in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular the relationship between the indigenous iTaukei and Indo-Fijian communities and the question of landownership.

F. Indigenous peoples' cultural rights, right to health and violence against indigenous women and girls

72. The Office of the United Nations High Commissioner for Human Rights in Colombia provided substantive and technical support to indigenous peoples, resulting in a historic sentence by the Colombian Constitutional Court, which considered that the Atrato River is "a living being". The Office provided information to the Court and accompanied

the magistrates to travel along the river so they could witness, understand and experience the dimensions of the destruction caused by large-scale gold mining activities using toxic elements, such as mercury and heavy-duty machinery, in addition to forest destruction.

73. In March 2016, the Office of the United Nations High Commissioner for Human Rights in Tunisia, together with the Ministry in charge of human rights, organized two national consultations where civil society organizations working on the rights of the *Amazigh* had the opportunity to engage in a discussion with national authorities. They addressed concerns related to cultural rights, including the right to learn and use the Tamazight language and to give children Amazigh names, which is not allowed currently under Tunisian law.

74. The Office of the United Nations High Commissioner for Human Rights in Guatemala monitored the troubling case of 41 girls, including indigenous girls, who died following a fire in the Hogar Seguro de la Virgen de Asunción, having been locked in a room as a disciplinary measure. The girls were living in the home under the protection of the State. The Office made recommendations regarding the need to develop culturally appropriate and locally based responses to child protection, in coordination with indigenous families and communities.

75. The Human Rights Committee recommended that Ecuador take the necessary steps to ensure that proper consultations are held with indigenous communes, communities, peoples and nationalities with a view: (a) to obtaining their free, prior and informed consent concerning any measure that might have a substantial impact on their way of life and their culture; (b) to expediting the adoption of the bill on consultation with them; (c) to ensuring that they are properly consulted during that process; and, in particular, (d) to ensuring that no extractive or any other activities are conducted that may place the lives and livelihoods of indigenous peoples living in isolation in a more vulnerable situation.

76. The Office of the United Nations High Commissioner for Human Rights in Colombia contributed to making a film⁴ in which the Bora and Miraña peoples of the Amazon explained how gold mining using mercury and cyanide is affecting their lands and territories, with debilitating effects on their health. The film also illustrated how their ancestral culture and ways of life are threatened by these activities. Furthermore, following an agreement reached by the *mesa amazónica*, a coordination space between the government of the department of Amazonas and indigenous authorities in which OHCHR acts as a guarantor, a group of traditional authorities is building their own health calendars and epidemiology studies according to their traditional knowledge.

77. The Office of the United Nations High Commissioner for Human Rights in Guatemala provided technical assistance to the Ministry of Health to implement an intercultural, comprehensive and inclusive health-care model. Through its Maya Programme, the Office also supported the recognition of the work of indigenous midwives. The Office is also working with State institutions to implement a 2016 judgment of the Constitutional Court ordering the Ministry of Education to implement a bilingual and intercultural education programme in La Antigua Santa Catarina Ixtahuacán, in the department of Sololá.

78. The Committee for the Elimination of Racial Discrimination recommended that Colombia allocate adequate resources to the health sector and redouble its efforts to ensure accessibility, availability, affordability and quality of health care, paying particular attention to the needs of indigenous and Afro-Colombian peoples through such action as the development and implementation of intercultural health service plans that take account of the geographical characteristics of rural areas and provide for the active participation of indigenous and Afro-Colombian peoples. The Committee also recommended that Colombia take the necessary steps to ensure that the policies of ethnic education and intercultural education fulfil the objective of promoting and preserving the cultural identity of indigenous and Afro-Colombian peoples.

⁴ Available from www.youtube.com/watch?v=51XKVDaOCM.

79. During its ninth session, in July 2016, the Expert Mechanism held a panel discussion on the promotion and protection of the rights of indigenous persons with disabilities, a discussion on follow-up to the World Conference on Indigenous Peoples, including the review of the mandate of the Expert Mechanism, and a discussion on best practices and strategies for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The Expert Mechanism finalized and adopted a study on the right to health and indigenous peoples, with a focus on children and youth (A/HRC/33/57). The study was submitted to the Human Rights Council at its thirty-third session, in September 2016.

80. On 7 and 8 July 2016, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the rights of indigenous peoples co-hosted a two-day expert group meeting in Geneva on indigenous persons with disabilities. The experts highlighted that indigenous persons with disabilities face exclusion, marginalization and multiple layers of discrimination on the basis of their disability, sex and ethnic origin. Following the meeting, for the first time ever, the situation of indigenous persons with disabilities was discussed as a priority human rights issue at the ninth session of the Expert Mechanism.

81. During the thirty-third session of the Human Rights Council, OHCHR organized an annual half-day discussion on the rights of indigenous peoples with a focus on the causes and consequences of violence against indigenous women and girls, including those with disabilities. The panel examined structural, systemic, public forms of violence experienced by indigenous women and girls in contemporary society, including lack of access to justice for such violence and assessed the development of legal and policy responses to violence against indigenous women. The panel was moderated by the Chair of the Expert Mechanism on the Rights of Indigenous Peoples. The panellists included the Special Rapporteur on the rights of indigenous peoples, the President of the Sami Parliament of Norway and other experts from Australia, Mexico and the Philippines.

82. The Special Rapporteur on violence against women, its causes and consequences visited Australia in February 2017. In her end of mission statement,⁵ the Special Rapporteur highlighted issues related to violence against Aboriginal and Torres Strait Islander Women and girls, institutionalized violence against indigenous and other women in prison and overrepresentation of indigenous women in prison.

G. Development of national action plans

83. One of the most important elements of the outcome document of the World Conference on Indigenous Peoples is the call for the preparation of detailed, well-resourced national action plans to translate the standards of the Declaration into concrete measures. Building on the extensive experience of OHCHR in supporting national plans, including plans for human rights and for combating racism, OHCHR is developing a human rights-based guidance for action plans, in cooperation with the Department of Economic and Social Affairs and in close consultation with indigenous peoples and other partners.

84. During the period under review, the Office of the United Nations High Commissioner for Human Rights in the Plurinational State of Bolivia provided technical assistance to the Foreign Ministry for the development of an indigenous peoples' national action plan for the period 2017-2020, which has been incorporated into the sectorial plans of the executive body. The process of developing a national plan was participatory and included several indigenous peoples' organizations.

⁵ Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21243&LangID=E.

H. Mandate of the Expert Mechanism on the Rights of Indigenous Peoples

85. At its thirty-third session, the Human Rights Council adopted its resolution 33/25, amending the mandate of the Expert Mechanism. Following extensive consultations and an expert workshop, the Council amended the mandate of the Expert Mechanism. Its new mandate is to provide the Council with expertise and advice on the rights of indigenous peoples as set out in the Declaration, and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples. Specific new elements of the mandate include: upon request, assisting Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples; providing Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms; upon the request of Member States, indigenous peoples and/or the private sector, engaging and assisting them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration; and identifying, disseminating and promoting good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Council.

86. In March 2017, OHCHR supported two intersessional meetings of the Expert Mechanism, hosted respectively by the Government of Canada and the Government of the Russian Federation. These intersessional meetings allowed the members of the Expert Mechanism to reflect on their new mandate and devise strategies for its implementation.

I. Universal periodic review

87. Issues related to indigenous peoples' rights were addressed in a number of recommendations arising from the universal periodic review during the twenty-fifth to twenty-seventh sessions of the Working Group on the Universal Periodic Review. Recommendations on indigenous peoples were addressed to Antigua and Barbuda, Brazil, Ecuador, Hungary, Papua New Guinea, Saint Vincent and the Grenadines, Suriname, Thailand and the United Republic of Tanzania. The recommendations to either ratify or implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and to fully implement the United Nations Declaration on the Rights of Indigenous Peoples were made many times. Another recommendation was to take measures to guarantee to indigenous peoples the full respect of human rights, in particular through the establishment of mechanisms for their prior and informed consent on issues that affect them. Other issues that were raised related to indigenous peoples' access to education, especially in their mother tongue, and equal access to health care, safe drinking water, justice and political participation. Additional recommendations on the rights of indigenous people related to the preservation of their land, culture and resources; the adoption of measures to reduce the negative impact of mining on the environment and the rights of indigenous peoples and their lands, in conformity with international standards; and the establishment of formal platforms to guarantee and protect the rights of indigenous peoples and to strengthen the legal protection of indigenous peoples in comprehensive anti-discrimination legislation.

IV. Conclusions

88. During the reporting period, OHCHR supported indigenous peoples in finding ways to address some of the major challenges they face, including by assisting States in facilitating and providing access to legal remedies for indigenous peoples. It also delivered capacity development for indigenous communities to help them make use of national legal systems and strengthen their advocacy for the recognition of indigenous peoples' justice systems. OHCHR further supported States, national human rights institutions and civil society in empowering individuals and communities to monitor deteriorating situations and put in place systems to monitor and supervise the

activities of extractive or development companies, and in the drafting and implementation of domestic legislation to protect indigenous peoples' rights.

89. However, more efforts are needed to effectively fill the gaps in national laws, policies and strategies, in line with the outcome document of the World Conference. There is an urgent need to step up efforts to prevent the exploitation of natural resources on indigenous lands without respecting the principle of free, prior and informed consent and to provide support to human rights defenders working for the rights of indigenous peoples, including improving access to justice and statutory recognition and protection of land rights of indigenous peoples.



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**Annual Report of the United Nations High Commissioner
for Human Rights and reports of the Office of
the High Commissioner and the Secretary-General****Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Right to development****Report of the Secretary-General and the United Nations High
Commissioner for Human Rights***Summary*

The present report contains a brief overview of the activities of the Office of the United Nations High Commissioner for Human Rights on the promotion and realization of the right to development from June 2016 to May 2017. The report also provides an analysis of the implementation of the right to development, taking into account existing challenges and making recommendations on how to overcome them. The report complements the report of the Secretary-General and the High Commissioner on the right to development submitted to the Human Rights Council at its thirty-third session (A/HRC/33/31).

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I. Introduction

1. In its resolution 48/141 establishing the post of United Nations High Commissioner for Human Rights, the General Assembly decided that the High Commissioner should, *inter alia*, promote and protect the realization of the right to development and enhance support from relevant bodies of the United Nations system for this purpose. The General Assembly also decided that the High Commissioner should recognize the importance of promoting balanced and sustainable development for all people and of ensuring the realization of the right to development, as established in the Declaration on the Right to Development.

2. The Human Rights Council, in its resolution 33/14, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to submit to the Council an annual report on its activities, including on inter-agency coordination within the United Nations system, that have direct relevance to the promotion and realization of the right to development, and to provide an analysis of the implementation of the right to development, taking into account existing challenges and making recommendations on how to overcome them (see sect. III).

3. In its resolution 71/192, the General Assembly reaffirmed its request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in his next report to the Human Rights Council.

4. In the same resolution, the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventy-second session and an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

5. The present report is submitted in accordance with the above requests. It contains an overview of the activities of the Office relating to the promotion and realization of the right to development, covering the period from June 2016 to May 2017, and complements the report of the Secretary-General and the High Commissioner on the right to development submitted to the Human Rights Council at its thirty-third session (A/HRC/33/31). It includes an analysis of the implementation of the right to development, existing challenges and recommendations on how to overcome them.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

6. In implementing its mandate to promote and protect the realization of the right to development, the Office is guided by the Declaration on the Right to Development, the Vienna Declaration and Programme of Action, relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council and agreed conclusions and recommendations of the Working Group on the Right to Development.

7. The OHCHR operational framework for promoting and protecting the realization of the right to development is contained in the Secretary-General's strategic framework for the period 2016-2017 and the OHCHR Management Plan for the period 2014-2017.¹

¹ See A/69/6/Rev.1, pp. 465-466; OHCHR Management Plan 2014-2017: working for your rights, pp. 63-71; and A/HRC/27/27, paras. 6-13.

A. Support to the Working Group on the Right to Development and other relevant mandates

8. OHCHR provided support to the Working Group on the Right to Development for the organization of its eighteenth session,² held from 3 to 7 April 2017 (A/HRC/36/35). It also supported the Chair-Rapporteur during the intersessional period in holding informal consultations and presenting the report of the Working Group to the Human Rights Council and the General Assembly. At the request of the Council,³ the Office facilitated the participation of experts to engage with the Working Group in the interactive dialogue mentioned below.

9. At its eighteenth session, the Working Group considered the report of the Secretary-General and the High Commissioner for Human Rights on the right to development. The Working Group discussed the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development and took note of a document submitted by the Non-Aligned Movement containing a proposal on a set of standards (A/HRC/WG.2/18/G/1). The Working Group also considered a document containing draft right to development criteria and operational subcriteria and agreed to finalize them as expeditiously as possible, preferably no later than at its nineteenth session. It agreed to undertake informal consultations to be convened by the Chair-Rapporteur, as and when required, with a view to advancing the finalization of these documents. At the same session, the Working Group held an interactive dialogue with experts on the implementation and realization of the right to development, including the implications of the 2030 Agenda for Sustainable Development, and possible engagement with the high-level political forum on sustainable development.⁴

10. OHCHR also supported relevant special procedure mandates, including the Special Rapporteur on the right to development. The present mandate holder took up his functions in May 2017.

B. Activities for the promotion and realization of the right to development

11. The year 2016 marked the thirtieth anniversary of the Declaration on the Right to Development. To mark the occasion OHCHR organized and supported numerous events and activities drawing attention to the importance of the right to development,⁵ including in the context of the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Examples of major activities are summarized below.

12. In June 2016, the Office organized a panel discussion at the thirty-third session of the Human Rights Council, as requested by the Council in its resolution 31/4. The objective of the panel discussion was to increase awareness, including among relevant United Nations bodies, agencies, funds and programmes and other stakeholders, of the intrinsic value and distinct role of the right to development as an inalienable and independent human right by virtue of which all human rights can be fully realized (A/HRC/33/21). In his opening statement, the High Commissioner underscored the importance of the 2030 Agenda and its role in addressing the systemic obstructions and multiple challenges facing the right to development. He noted that, at the international level, the failure to adequately regulate globalization could affect the pursuit of inclusive development, which compromised basic human rights in relation to food, water and sanitation, health, equity and democratic decision-making. He called for a renewed spirit of multilateral action for

² See www.ohchr.org/EN/Issues/Development/Pages/18thSession.aspx.

³ Resolution 33/14.

⁴ Expert presentations are available at www.ohchr.org/EN/Issues/Development/Pages/18thSession.aspx.

⁵ More information on these and other activities is available at www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx.

the common good, recognizing that efforts to reduce towering inequalities would help the marginalized and the poor.⁶

13. In September, the President of the seventy-first session of the General Assembly convened the high-level segment of the Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development.⁷ The Secretary-General, the High Commissioner and the Secretary-General of the United Nations Conference on Trade and Development, participated in the opening segment, which was followed by a general debate among Member States. The one-day event focused on the measures and policies required to promote effective international cooperation for the realization of the right to development, as well as the importance and added value of the right to development in achieving the Sustainable Development Goals. The event provided an opportunity to discuss efforts to fulfil the right to development and the importance of consensual understanding of the right to development based on the experience, progress and challenges encountered in the last 30 years.

14. In October, the Office organized, jointly with the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation and the Government of the United Arab Emirates, a two-day international seminar entitled "The right to development — 30 years after", in Abu Dhabi. The Commission welcomed renewed reflection and joint action by all stakeholders to ensure that all people had an equal opportunity to participate in, contribute to and enjoy economic, social and cultural rights, thereby also supporting the establishment of inclusive, equitable, just and peaceful societies. In the Abu Dhabi Declaration on the Right to Development,⁸ adopted at the seminar, participants reaffirmed States' national, international and collective obligations with respect to the effective implementation of the right to development, and recalled the importance of international cooperation against corruption and of good governance through free, active and meaningful participation in policymaking.

15. To mark the thirtieth anniversary of the Declaration, and in addition to the international expert meeting held in Geneva in March (see A/HRC/33/31, para. 22), OHCHR organized another such meeting in New York in October 2016. This event, entitled "Development frontlines: of rights, justice and fairness", served as an opportunity to analyse contemporary development challenges and discuss how innovative development solutions were being forged at varying levels and scales. It also addressed legitimacy and accountability deficits in global governance and in the economic realm.⁹

16. OHCHR initiated and supported the issuance of two statements reaffirming the right to development. In September, the United Nations Development Group Human Rights Working Group issued a joint statement recognizing that, while the 2030 Agenda is a powerful vehicle for the realization of the right to development, operationalizing its commitment to leave no one behind demands a coherent and integrated United Nations system-wide approach that is underpinned by the principles inherent in the Declaration.¹⁰

17. In December 2016, 16 special procedure mandate holders issued a joint statement in which they called upon Governments to move rapidly beyond rhetoric and political differences to make the right to development a reality for all.¹¹

18. To advance awareness, develop the resource base and build capacity on the right to development, OHCHR issued several anniversary information notes on the relationship between the right to development and, respectively, international cooperation, indigenous peoples, persons with disabilities, children and youth, peace, and taxation.¹² Furthermore, OHCHR produced a second anniversary video, *The Right to Development for Everyone*,

⁶ See www.ohchr.org/EN/Issues/Development/Pages/PaneldiscussionPresentationsandstatements.aspx.

⁷ See <http://undg.undp.org/events/unga-high-level-segment-on-the-right-to-development/>.

⁸ See www.oic-iphrc.org/en/data/docs/articles_studies/iphrc_abu_dhabi_outcome_2016.pdf.

⁹ See www.ohchr.org/EN/Issues/Development/Pages/Panell-ventDeclarationontheRtoDat30.aspx; and <http://www.ohchr.org/EN/Issues/Development/Pages/Panell-ventDeclarationontheRtoDat30.aspx>.

¹⁰ See www.ohchr.org/Documents/Issues/RtDA/UNDG_HRWG.pdf.

¹¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20973.

¹² Available at www.ohchr.org/EN/Issues/Development/Pages/InformationMaterials.aspx.

Everywhere,¹³ which was used to launch a social media campaign to coincide with the high-level segment of the General Assembly referred to above. The first OHCHR video dedicated to the right to development, entitled *Development is a Human Right*,¹⁴ was screened at anniversary events throughout the year.

19. In August, OHCHR participated in the World Social Forum, held in Montreal, Canada, and gave a presentation on investment and human rights, including the right to development, at a workshop on investment chapters in trade agreements and how investors can be held responsible for damages caused by their activities in host countries.¹⁵ The presentation emphasized that investment treaties could violate the right to development by, firstly, often giving priority to investors' interests over the human rights to health, water and sanitation, among others, and impeding effective mobilization of the maximum available resources for the realization of human rights; and, secondly, failing to be transparent and open to participation by those potentially affected. It stressed that participation must take place in conjunction with strengthening people's bargaining power within these treaties to act, negotiate and manoeuvre; otherwise, formal participation would be meaningless, and deeply disempowering. In March 2017, OHCHR gave a presentation on trade, business and human rights at an event held in the European Parliament. The discussion focused on specific proposals to enable trade to promote human rights and how trade could incentivize reform on the ground.

20. In partnership with the Economic Commission for Africa and the Friedrich-Ebert-Stiftung, OHCHR is in the process of completing a human rights impact assessment of the Continental Free Trade Area agreement for Africa, to inform and feed into the negotiations. This includes three case studies focused on agriculture and food security, agro-manufacturing and informal cross-border traders. The impact assessment will provide recommendations to relevant stakeholders for preventing or mitigating negative impacts in these areas.¹⁶

21. In collaboration with the United Nations-mandated University for Peace, in Costa Rica and the United Nations University International Institute for Global Health, in Malaysia, OHCHR is in the process of completing an interactive e-learning module on operationalizing the right to development in implementing the Sustainable Development Goals. This project brings together substantive contributions from academic experts worldwide with a view to promoting education, integration and capacity-building on the right to development and enhancing its impact in research, policymaking and development practice. The module is expected to be launched in the course of the current year for use and reference by Governments, intergovernmental organizations, non-governmental organizations and other stakeholders.

III. Analysis of the implementation of the right to development, existing challenges and recommendations to overcome them

22. As defined in the Declaration on the Right to Development, "development" is a comprehensive process that advances all interdependent, interrelated and indivisible human rights and fundamental freedoms. The right to development aims at the constant improvement of the well-being of the entire population and of all individuals. It makes the human person the central subject, active participant and beneficiary of development. Everyone is entitled to free, active and meaningful participation in development. The right to development calls for social justice and equity, as it requires the fair distribution of the benefits of development, including income, and equal opportunity in access to basic resources and services. It also entitles women to play an active role in the development process.

¹³ See www.youtube.com/watch?v=15xUcBkq5A.

¹⁴ See www.youtube.com/watch?v=pdfkfyph1tdI.

¹⁵ See <https://fm2016.org/en/activities/investment-chapters-in-trade-agreements-from-rights-to-responsibilities/>.

¹⁶ See www.ohchr.org/Documents/Issues/Globalization/ScopingStudyMay2016.pdf.

23. The Declaration calls for an appropriate political, social and economic order for development, appropriate national and international development policies and appropriate economic and social reforms to eradicate social injustice. It recognizes that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and calls for sustained action for the comprehensive development of developing countries. It invests States with the duty to cooperate effectively to establish an enabling environment for development; to eliminate obstacles to development; and to support international peace, security and disarmament, and to use the released resources for comprehensive development, especially in developing countries. States, acting individually and collectively, bear the primary responsibility for guaranteeing the right to development, while all human beings have a responsibility for development and duties to the community.

24. The implementation of the right to development is an ongoing process for all countries. The Working Group on the Right to Development considers that the following factors contribute to its realization: an open, equitable, rules-based, predictable and non-discriminatory multilateral trading system; sustained economic growth; continued partnerships for development; the evolution, assessment and dissemination of practical and specific measures at the national and international levels; integration of the principles underlying the Declaration within the policies and programmes of the multilateral development and financial institutions; a rights-based approach to economic growth and development; good governance and the rule of law at both national and international levels; responsiveness on the part of States to vulnerable and marginalized groups; and the realization of civil, cultural, economic, political and social rights (see A/66/216, paras. 22-23).

25. Nevertheless, conceptual, political and strategic challenges to the practical implementation of the right to development remain. As far back as 2004, the Working Group considered that further conceptual clarification, improved strategic coherence and coordination of policies and programmes, and increased political commitment were required for its full realization (see E/CN.4/2004/23 and Corr.1, para. 43 (b)); this still holds true today. States remain divided in their views. There is disagreement on the nature of the duties of States to realize the right to development as well as on the relative emphasis to be placed on the national dimension of State obligations (individual rights and corresponding State responsibilities, rule of law, good governance, anti-corruption, etc.) compared to obligations of international cooperation (international responsibilities, international order, development cooperation, global governance, etc.). There are also differences of opinion among States regarding criteria to measure progress towards implementing the right to development.¹⁷ Some countries advocate the development of a comprehensive and coherent set of standards as a basis for a legally binding instrument, while others express a preference for non-binding guidelines. These differences have challenged progress in the intergovernmental debate at the relevant United Nations forums, such as the General Assembly, the Human Rights Council and the Working Group.¹⁸ The lack of consensus among Member States constitutes a major obstacle in implementing this right.

26. With regard to the realities on the ground, some progress has been made in global efforts towards realizing the vision of the Declaration. However, progress has been uneven, particularly for people in Africa, least developed countries, landlocked developing countries and small island developing States.¹⁹ Globally, persistent poverty and rising inequalities remain among the many interconnected threats to peace and security, human rights and development.

¹⁷ The high-level task force on the implementation of the right to development has developed criteria and subcriteria for operationalizing the right to development for review by the Working Group. See A/HRC/15/WG.2/TF/2/Add.2.

¹⁸ For a detailed account of the debate, see the annual reports of the Working Group, available at www.ohchr.org/UN/Issues/Development/Pages/WGRightIndevelopment.aspx.

¹⁹ See General Assembly resolution 70/1.

27. In the absence of specific benchmarks for the implementation of the right to development, *The Sustainable Development Goals Report 2016*¹⁰ and the Secretary-General on progress and prospects in financing for development (E/11/LM/2017/2) complement the Declaration and provide some valuable guidance.

Poverty and rising inequalities

28. The Declaration advocates people-centred development aimed at the realization of all rights and freedoms in the development process and enhanced well-being for all individuals and peoples, encompassing a holistic paradigm that is also reflected in the 2030 Agenda. In 2012, one in eight people still lived in extreme poverty. Only one in five people in low-income countries and two in three in upper-middle-income countries enjoyed social assistance or social protection benefits.¹¹ This situation points, inter alia, to a lack of policies which are conducive to favourable development conditions, as required by the Declaration.

29. Much remains to be done to realize basic rights, including the rights to food, water, shelter, health and education. Although it has declined, more than 700 million people still suffer from hunger. One in four children under the age of 5 had stunted growth in 2014. Under-5 mortality rates have declined by more than half since the 1990s, but still account for 43 deaths for every 1,000 live births. Despite a decline in the incidence of some communicable diseases, sub-Saharan Africa still accounts for a disproportionately high percentage of, inter alia, HIV and malaria cases. As of 2013, 59 million children of primary school age were out of school and 757 million adults were unable to read and write, two thirds of them women (E/2016/79).

30. The impacts of poverty and lack of access to economic, social and cultural rights are further exemplified by the statistics on access to water and sanitation: 663 million people still use unimproved water sources, 2.4 billion are without improved sanitation and 2 billion worldwide are affected by water stress. Although more than a billion people still lacked access to electricity in 2012, between 2010 and 2012 there was an increase of 4 per cent a year in access to modern renewables. The Declaration recognizes the importance of an active role for women in development but globally, women still spend more than twice as much time as men in unpaid labour and, as of 2016, comprised only 23 per cent of national parliamentarians. Concerted measures towards effective solutions are needed at all levels to implement the Declaration in operationalizing the 2030 Agenda (*ibid.*).

31. Recent studies indicate that inequalities are rising and pose a growing threat to development.¹² Since 2015, the richest 1 per cent has owned more wealth than the other 99 per cent. Eight men now own the same amount of wealth as that owned by 3.6 billion others, the poorer half of the world. Over the next 20 years, it is projected that 500 people will hand over \$2.1 trillion to their heirs, a sum larger than the gross domestic product of India, a country of 1.3 billion people. The incomes of the poorest 10 per cent increased by less than \$3 a year between 1988 and 2011, while those of the richest 1 per cent increased 182 times as much. This clearly runs counter to the paradigm for development contained in the Declaration for the individual and collective well-being of all individuals, peoples and nations. The rising tide of inequality, including wealth inequality, contradicts the commitment made in the Declaration to an international, economic, political and social order in which all rights and freedoms can be realized for all.

¹⁰ United Nations publication, Sales No. E.16.I.00.

¹¹ See the report of the Secretary-General on progress towards the Sustainable Development Goals (E/2016/79) and International Labour Organization, *World Social Protection Report 2014/15*.

¹² See, e.g., Oxford Budgeting Paper, "An economy for the 99%", January 2017, available at www.oxfam.org/sites/www.oxfam.org/files/attachment-0p-economy-for-99-percent-160117-en.pdf; World Economic Forum, *The Global Risks Report 2017*, available at www.weforum.org/reports/the-global-risks-report-2017; Organisation for Economic Cooperation and Development, *Is It Together: Why Less Inequality Benefits All* (Paris, 2015), available at www.oecd.org/issd/is-it-together-why-less-inequality-benefits-all-8780c6477912/en.htm.

International cooperation and resource constraints

32. In recent years the volume of official development assistance (ODA) reflected an incremental trend, and in 2016 witnessed a new peak of \$142.6 billion. However, this figure lagged substantially behind the call contained in the Monterrey Consensus of the International Conference on Financing for Development for 0.7 per cent of the gross national product (GNP) of developed countries to be devoted to ODA to developing countries and for 0.15 to 0.20 per cent to least developed countries.²³ While these targets have been reiterated in the 2030 Agenda, most donor countries are still falling behind. Bilateral aid to least developed countries has actually declined by 3.9 per cent.²⁴ This may be related to the fact that much of the new aid has been redirected to cover increased in-donor-country refugee costs.²⁵ Ultimately, if Member States use their ODA to cover in-donor refugee costs and do not increase the level of their ODA accordingly, fewer resources will be available for development cooperation activities in developing countries.²⁶ This constitutes an obstacle to effective international cooperation for comprehensive development as foreseen in articles 3, 4 and 6 of the Declaration and must be redressed, in tandem with implementing the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,²⁷ which the General Assembly endorsed as an integral part of the 2030 Agenda and is critical for the realization of the Sustainable Development Goals with regard to the means of implementation.²⁸

33. A number of challenges to the implementation of the right to development are centred on issues of resource constraints and related national and international policies. Some factors affecting the availability of resources are slow economic growth, tax avoidance and evasion, corruption, illicit financial flows and lack of capacity. These constraints affect the ability of Governments to adopt development policies that leave no one behind and take concrete steps to end poverty, in line with the requirement in the Declaration of national and international development policies aimed at human well-being. Successful implementation of the right to development and the Sustainable Development Goals, in particular goal 8 on decent work, employment and sustainable and inclusive economic growth and goal 9 on inclusive and sustainable industrialization, relies in part on changing the current dynamic of economic growth. In 2016, the growth rate was at its lowest since the financial crisis, but improvements are projected for 2017 and 2018. The low growth rate, combined with demographic changes, has led to an estimated increase in global unemployment to 200 million people in 2017 (E/FFDF/2017/2).

34. The means of implementing the right to development include economic and social reforms at the national and international levels, outlined in articles 8 and 10 of the Declaration. The Addis Ababa Action Agenda calls for increased accountability for development financing commitments (para. 58), including accountability for businesses (paras. 35 and 37); renews pledges to provide a social protection floor for everyone (para. 12); establishes a new Technology Facilitation Mechanism (para. 123); and includes, for the first time, a follow-up and review mechanism for financing development (paras. 130-134). The implementation of the Action Agenda requires an international system of financing for development that is just, equitable, cooperative, transparent and accountable that integrates human rights and that puts the people at the centre of the development goals.²⁹

35. Increasing revenue mobilization in developing countries is not enough if their resources are simultaneously drained as a result of illicit activity. The Addis Ababa Action

²³ *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. 1, resolution 1, annex, para. 42.

²⁴ See www.oecd.org/dac/development-aid-rises-again-in-2016-but-flows-to-poorest-countries-dip.htm.

²⁵ *Ibid.*

²⁶ See www.oecd.org/dac/financing-sustainable-development/in-donor-refugee-costs-in-ODA.pdf.

²⁷ General Assembly resolution 69/313, annex.

²⁸ See General Assembly resolution 70/1.

²⁹ OHCHR, *Frequently Asked Questions on the Right to Development*, Fact Sheet No. 37, 2016, pp. 14-15.

Agenda calls for strengthening the rule of law and combating corruption at all levels, as well as the elimination of illicit financial flows. However, measuring and tracking illicit financial flows are extremely challenging, in part because of a lack of an intergovernmental agreement on a conceptual framework defining illicit financial flows. It is important for countries to strengthen existing institutions and enforcement of the law to improve the design and functioning of effective, progressive, inclusive and transparent national tax systems (ibid.)

36. Competition for foreign investment can drive States to offer lower taxes and more attractive tax incentives for business.³⁰ Transnational corporations can exploit the tax codes in different States in which they operate to avoid or evade taxes. Today, it is estimated that about \$7.6 trillion of personal wealth is said to be hidden in tax shelters, with a devastating impact on tax revenues, in particular in poorer countries. Developing countries are estimated to be losing at least \$170 billion a year to tax havens.³¹ In order to achieve equitable, people-centred development, tax systems must be progressive, transparent, accountable and effective.³²

37. Some developing countries facing severe debt issues have been subjected to structural adjustment programmes promoted by international financial institutions. These have, in some instances, compromised a core principle of the right to development, which is that all individuals and peoples are entitled to participate in, contribute to and enjoy the benefits of development. The duty of international cooperation, which underscores the Declaration, must be operationalized in implementing the 2030 Agenda, including Sustainable Development Goal 17 on strengthening the means of implementation and revitalizing the global partnership for sustainable development, together with the Addis Ababa Action Agenda, in a mutually reinforcing manner. The ongoing development of a declaration on the right of peoples and individuals to international solidarity³³ provides another step in efforts to realize the right to development, which is both underpinned by and dependent on international solidarity for its meaningful implementation.

38. According to article 3 of the Declaration, States are obliged to cooperate with each other in eliminating obstacles to development and to create favourable conditions for the realization of the right to development at the national and international levels. The imposition of unilateral coercive measures may have implications for people's right to development. (A/HRC/30/45).

Conflicts, natural disasters, climate change and participation in global governance

39. Conflict and war entail massive violations of human rights, in contravention of the right to development. In 2015, 65.6 million people were displaced by conflict and persecution.³⁴ The costs of war and military spending stand in the way of realizing the right to development.³⁵ Article 7 of the Declaration is pertinent in its call for measures for peace and disarmament, and the redirection of savings from disarmament into development. The integrated framework of the Declaration provides a viable response to the Secretary-General's vision for Peacebuilding and Sustaining Peace, going beyond conflict resolution, and is complemented by Sustainable Development Goal 16 on promoting inclusive and peaceful societies. Just as conflict undermines development, poverty and underdevelopment are root causes, as well as drivers, of conflict.

40. The figures related to migration and forced displacement are also expected to rise due to increasingly frequent natural disasters, many of which are induced by climate

³⁰ See www.ohchr.org/Documents/Issues/RtD/InfoNote_Taxation.pdf

³¹ See www.oxfam.org/en/even-it/inequality-and-poverty-hidden-costs-tax-dodging and A/HRC/31/61, paras. 7 ff.

³² See www.ohchr.org/Documents/Issues/RtD/InfoNote_Taxation.pdf.

³³ See www.ohchr.org/EN/Issues/Solidarity/Pages/II_SolidarityIndex.aspx.

³⁴ See www.unhcr.org/globaltrends2016/.

³⁵ Information note on the right to development and peace, available at www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx.

change, which, it is estimated, will displace 200 million people by 2050.³⁶ From 2000 to 2013, an average of 83,000 people died each year and 211 million were affected by natural disasters. The adverse impacts of climate change pose visible challenges and obstacles for States, particularly developing countries, to achieving sustainable development. Climate change will demand substantial resources to mitigate its effects, reduce net greenhouse gas emissions³⁷ and promote environmentally sound technologies. Paradoxically, the poorest people in developing countries, who contributed least to climate change, are most vulnerable to its adverse impacts.³⁸ This is due to their geographical location and lesser ability to cope with damage from severe weather and slow-onset effects of climate change, often affecting, *inter alia*, their rights to food, health and development (A/HRC/31/52). Implementation of the right to development must be integral to operationalizing the Paris Agreement, the Sendai Framework for Disaster Risk Reduction 2015-2030 and Sustainable Development Goals 12-15 on climate and the environment.

41. Long-standing systemic asymmetries in global governance have a direct impact on the implementation and realization of the right to development. The under- or non-representation of developing countries in key forums on global governance undermines the effectiveness of such forums. The adoption of policies affecting development involves conflicting interests, making trade-offs and setting priorities across and within countries and, as such, encompasses issues of bargaining and problems of execution. Without more inclusive, democratic and participatory decision-making processes on key questions relating to development at the national and international levels, those absent or those whose voices are less well heard will remain on the margins of the benefits of development.

42. Sustainable Development Goal 17 on the implementation and revitalization of the global partnership for sustainable development deals with, *inter alia*, the need to enhance global macroeconomic stability, including through policy coordination and coherence. Addressing systemic issues is also a cornerstone of the Addis Ababa Action Agenda, wherein Member States agreed to take measures to improve and enhance global economic governance and to arrive at a stronger, more coherent, inclusive and representative international architecture for sustainable development. Member States further resolved to strengthen the coherence and consistency of multilateral financial, investment, trade and development policy, as well as environment institutions and platforms, and to increase cooperation between major international institutions. The promise of equality of opportunity and outcomes for all nations and individuals contained in the Declaration makes it imperative to include the voice of developing countries in international processes of economic decision-making and norm-setting, including in the World Bank (see A/70/274), the International Monetary Fund and international regulatory standard-setting bodies such as the Basel Committee on Banking Supervision.

43. At the World Trade Organization (WTO), decisions are made primarily by consensus and single undertaking. However, at times, decisions of the WTO dispute settlement body³⁹ have been called into question, highlighting potentially negative implications for the sustainable development policies of developing countries (see A/HRC/33/40, paras. 70-72). The current round of negotiations, the Doha Development Agenda, brought to the debate several important measures for implementing the right to development, including access to patented medicines and strengthening special and differential treatment for developing countries and least developed countries, as well as flexibility for the latter countries in implementing trade liberalization measures. However, this round has largely stalled, despite some limited breakthroughs. With the apparent deadlock in the Doha Round, bilateral investment treaties and free trade agreements have

³⁶ See chapter 12, Human security, in *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, available at www.ipcc.ch/pdf/assessment-report/ar5/wg2/WGIIAR5-Chap12_FINAL.pdf.

³⁷ See the full *Working Group III Contribution to the Fifth Assessment Report*, available at www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_full.pdf.

³⁸ See www.ohchr.org/Documents/Issues/ClimateChange/KeyMessages_on_HR_CC.pdf.

³⁹ See, for example, document WT/DS456/AB/R.

become the preferred strategy to promote trade liberalization. Such treaties present opportunities for development by fostering economic activity and attracting a much-needed influx of investments to development projects.

44. Yet, free trade agreement and bilateral investment treaty negotiations may present challenges to the right to development given the uneven bargaining power of the parties with different levels of economic and technological development and capacities, and concerns among some countries about the transparency of negotiating processes. Human rights impact assessments offer an opportunity to address the question of whether free trade agreements and bilateral investment treaties are in accordance with the human rights obligations of States.⁴⁰ Such impact assessments should, at a minimum, involve independence, transparency, inclusive participation, and expertise and funding, and have the capacity to effectively influence policymakers (see A/HRC/19/59/Add.5, appendix, para. 4). These concerns together make a strong case for expanding the democratic space to the optimum.

45. Concerns have also been raised that free trade agreements and/or bilateral investment treaties may have a number of retrogressive effects on the protection and promotion of human rights, including by lowering the threshold of health protection, food safety and labour standards. Investment agreements might aggravate extreme poverty, jeopardize fair and efficient foreign debt renegotiation and affect the rights of indigenous peoples, minorities, persons with disabilities, older persons and others in vulnerable situations.⁴¹ Without assessments of potential human rights impacts, free trade agreements and bilateral investment treaties might jeopardize the call contained in the Declaration for an enabling environment for development, an element that is also essential to realizing the Sustainable Development Goals.

46. Increased foreign direct investment flows to developing countries can contribute to reducing poverty and promoting prosperity. However, whether this happens depends on the nature of the strategies pursued to attract these investments and whether investments are made in a responsible manner, i.e., whether they are conducive to social development, protective of the environment and respectful of the rule of law and fiscal obligations in host countries. Investors and States must ensure that profit considerations do not trump human rights protection (see E/CN.4/2006/26, para. 59). Some businesses have been shown to avoid paying their share of tax by storing their wealth in offshore tax havens,⁴² in direct contravention of the fair distribution of development benefits required under the Declaration. The capacity of some States to ensure that transnational corporations do not breach labour or environmental standards, or jeopardize their capacity to seek remedies and adopt other policies to protect and promote the right to development and the economic, social and cultural rights of their populations, is limited. Individuals and peoples deserve protection and remedies against corporate abuse, land grabbing and exploitation (see A/HRC/33/40, para. 77).

47. The Guiding Principles on Business and Human Rights provide a framework applicable to all business enterprises for how to prevent and address human rights abuse linked to business activities.⁴³ In 2014, the Human Rights Council created an intergovernmental working group to draft a legally binding instrument on the human rights obligations of transnational corporations.⁴⁴ Special procedure mandate holders have argued that such an instrument could provide a normative framework aimed at ensuring that transnational corporations contribute to development. They have also suggested that any

⁴⁰ See the guiding principles on human rights impact assessments of trade and investment agreements (A/HRC/19/59/Add.5).

⁴¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031.

⁴² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21539&LangID=E.

⁴³ Since 2014, OHCHR has launched two projects aimed at creating a fairer and more effective system of domestic law remedies in cases of serious corporate-related human rights abuses and providing credible and workable guidance to States on the matter. For more information, see www.ohchr.org/Documents/Issues/Business/DomesticLawRemedies/RemedyProject2.pdf.

⁴⁴ Resolution 26/9. For more information, see www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IGWGOnTNC.aspx.

new instrument regulating the conduct of transnational corporations and other business enterprises should address the extraterritorial human rights obligations of States with regard to their duty to control the corporations they are in a position to influence, wherever those corporations operate; ensure access to effective remedies; and accord priority to human rights obligations over investors' rights (see A/HRC/33/40, paras. 77-84).⁴⁵ The Declaration invests everyone (including non-State actors) with duties to the community with regard to comprehensive development, including social justice and fair distribution of benefits. Extraterritorial human rights obligations are intrinsic to the international dimensions of the right to development.

IV. Conclusions and recommendations

48. The present report identifies some of the major challenges encountered in the implementation of the right to development, primarily at the international level. Implementation of the right to development requires fundamental changes in global financial, economic and development policies, with a view to creating an enabling environment for development, particularly in developing countries. Previous analyses have identified certain challenges that must be overcome, including the political impasse in the intergovernmental debate which has limited the engagement of civil society and the agencies of the United Nations system (see A/HRC/19/45, paras. 23-25).

49. The international community is faced with ever-increasing challenges, among them the global economic crisis, shrinking policy space through privatization and unregulated activities of transnational corporations, gross violations of human rights, armed conflicts, climate change, xenophobia and mass migrations. The right to development provides guidance that has the potential to address these interlinked national and international challenges and prevent them from deteriorating. The right to development must be central to the operationalization of the global policy outcomes of 2015, including the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015-2030, just as their operationalization will help realize the right to development in a mutually reinforcing way forward.

50. The indicators framework for measuring progress in implementing the Sustainable Development Goals is an important source, although not a substitute, for assessing progress in the implementation of the right to development. Any gaps in the framework, including the lack of targets and indicators on strengthening the means of implementation and revitalizing the global partnership for sustainable development,⁴⁶ as well as on inequalities between countries,⁴⁷ must be addressed from the perspective of the right to development. The Declaration on the Right to Development provides an integrated framework that recognizes the indivisibility of civil, political, economic, social and cultural rights; the interconnection of national and international governance; and the interdependence of human rights, peace and sustainable development. Faced with the rising tide of inequalities between and within countries, it is essential to recommit to multilateralism, international cooperation, and equality and non-discrimination at all levels.⁴⁸

51. It is imperative to ensure that the environment in which businesses operate supports rather than undermines the right to development and its implementation. This includes taking effective action to ensure decent work and respect for human rights in global supply chains through the implementation of relevant international human rights and labour instruments and standards. It also means improving

⁴⁵ See also www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session1/SR_STATEMENT_JWG.pdf.

⁴⁶ See Sustainable Development Goal 17.

⁴⁷ See Sustainable Development Goal 10.

⁴⁸ This corresponds to Sustainable Development Goals 10, 16 and 17.

international cooperation to combat illicit financial flows and tax avoidance strategies that exploit gaps and inconsistent tax rules. In mobilizing resources for development through partnerships with the private sector, full consideration should be given to relevant human rights instruments and standards, including the Guiding Principles on Business and Human Rights. Such consideration could usefully inform negotiations on a legally binding instrument to effectively regulate the activities of transnational corporations and other business enterprises.⁴⁹

52. A fair and progressive system of taxation will help mitigate global inequalities while liberating more resources and policy space for effective development programmes. Just and equitable collection of taxes is essential to realizing the right to development. Progressive tax reforms could tackle tax avoidance and evasion by companies and wealthy individuals who make use of tax havens. These steps will help release resources and improve the transparency and accountability of financial flows, and rectify any unlawful activity and redistribute the benefits to people in need.⁵⁰

53. Reform of international trade and investment through the incorporation of human rights and environmental protections to prevent their adverse effects and distribute their benefits fairly will enhance implementation of the right to development. Human rights impact assessments that collect disaggregated data need to be carried out in relation to all trade deals and should address their impacts on the enjoyment of all rights.⁵¹

54. Developing countries faced with severe debt burdens must have a voice and the ability to preserve their national sovereignty when structural adjustment programmes and similar economic reforms are imposed on them by international institutions. Their right to full and complete sovereignty over all their natural wealth and resources must be protected. Measures must be adopted to insulate basic needs, such as food security, from global market price fluctuations.⁵²

55. The public sector must be revitalized to create policy space for development and ensure social protection for the poor. Privatization of health, education, social security, water, and personal liberty and security services must not take place at the expense of equitable access to these services and the protection of human rights, and should be subject to human rights impact assessments.⁵³

56. The principles of equity and common but differentiated responsibilities are critical to implementing and realizing the right to development in the context of the inequitable distribution of wealth and power between developing and developed countries. The international community should address the modalities relating to financing for development and States should meet their ODA commitments in order to help those in need and sustain efforts to end poverty by 2030.⁵⁴

57. Economic growth and development are not ends in themselves but means to realize human rights. The success of development cannot be measured by economic factors alone. The right to development provides a performance standard for assessing comprehensive development, which must be sustainable, with due regard for consumption and production patterns, the use and transfer of environmentally friendly technologies and the production of clean energy. It also requires active, free and meaningful participation of the entire population in the development process and fair distribution of the benefits of development,⁵⁵ which in turn call for enhanced democratic space to increase civil society involvement in all relevant forums and processes within the scope of the right to development, both locally and globally.

⁴⁹ This corresponds to Sustainable Development Goals 8 and 17.

⁵⁰ This corresponds to Sustainable Development Goals 1, 8, 10 and 17.

⁵¹ This corresponds to Sustainable Development Goals 1, 10, 12, 13, 14, 15 and 17.

⁵² This corresponds to Sustainable Development Goals 1, 8 and 10.

⁵³ This corresponds to Sustainable Development Goals 1, 2, 3, 4, 6 and 16.

⁵⁴ This corresponds to Sustainable Development Goals 1, 10 and 17.

⁵⁵ This corresponds to Sustainable Development Goals 1, 7, 8, 9, 10, 12, 13, 14, 15 and 16.

58. Structural transformation is at the heart of the 2030 Agenda and involves, *inter alia*, the linkages between industrialization, infrastructure, technology and trade regimes. Equal opportunities for sustainable development require the removal of structural obstacles which impede access to technology and innovation.⁵⁶

59. States should take resolute steps to put an end to xenophobia, racism, racial and gender-based discrimination and all other legal and political practices that perpetuate inequality, including between States, and infringe on the realization of the right to development and the sustainable development agenda.⁵⁷

60. In the current global political climate, it is essential to win the battle of ideas and to develop a counter-narrative that promotes the reciprocal and global benefits of international development and a rights-based approach to development at all levels, with the right to development at its heart.⁵⁸

61. In line with articles 3, 4 and 6 of the Declaration, the international community needs to foster effective international cooperation for development and create an enabling environment for development, including supportive policies to increase public and private investment in sustainable development which will in turn generate employment opportunities (E/FFDF/2017/2). This can be achieved by ensuring a rights-based approach to development and through effective and sustained partnerships.⁵⁹

62. While the world is witnessing unparalleled technological progress, inequality has increased substantially. The Declaration on the Right to Development contains essential elements for the process of Peacebuilding and Sustaining Peace. Its normative framework addresses the interfaces of peace, security, human rights and development with the aim of addressing root causes of conflict and inequality, achieving peace and sustainable development, and ultimately ensuring that no one is left behind.

⁵⁶ This corresponds to Sustainable Development Goals 8, 9, 10 and 17.

⁵⁷ This corresponds to Sustainable Development Goals 5, 10, 16 and 17.

⁵⁸ This corresponds to Sustainable Development Goals 1 and 17.

⁵⁹ See http://www.ohchr.org/Documents/Issues/Development/RightsCrisis/E-2013-82_en.pdf.

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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

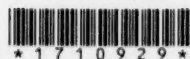
**Midterm progress report on the implementation of the third
phase of the World Programme for Human Rights Education**

**Report of the Office of the United Nations High Commissioner for
Human Rights**

Summary

Pursuant to Human Rights Council resolution 27/12, the present report provides an overview of action undertaken at the national level as of January 2015 in the context of the third phase (2015-2019) of the World Programme for Human Rights Education. The present report summarizes information received from 20 States and 18 national human rights institutions from a total of 36 countries and draws some conclusions for furthering human rights education and training.

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I. Introduction

1. In its resolution 59/113A, the General Assembly proclaimed the World Programme for Human Rights Education as a global initiative to advance the implementation of human rights education programmes in all sectors. The World Programme is structured in consecutive phases, with each phase focusing on specific sectors. The first phase (2005-2009) focused on integrating human rights education in primary and secondary school systems, and the second phase (2010-2014) on human rights education in higher education and human rights training for teachers, educators, civil servants, law enforcement officials and military personnel. Evaluations of the first and second phases were conducted in 2010 and 2015, respectively.

2. In its resolution 24/15, the Human Rights Council decided to focus the third phase (2015-2019) of the World Programme on strengthening implementation of the first two phases and promoting human rights training for media professionals and journalists. It requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a related plan of action (A/HRC/27/28), which contains practical guidance for national implementation. In its resolution 27/12, the Human Rights Council adopted the plan of action, encouraged States to implement it and requested OHCHR to submit to its thirty-sixth session a midterm progress report on the implementation of the third phase.

3. In January and February 2017 respectively, OHCHR sent notes verbales to States and letters to national human rights institutions inviting them to submit relevant information. By 18 May 2017, 20 Governments and 18 national human rights institutions from 36 countries had responded (see annex).¹

4. The present report provides an overview of reported national action undertaken as of January 2015. It is organized according to the structure of the plan of action for the third phase of the World Programme: the first part presents action undertaken to strengthen implementation of human rights education and training in the focus sectors of the first two phases and the second part highlights action taken to promote human rights training for media professionals and journalists. Finally, conclusions for further implementation are set out.

II. Action at the national level to strengthen implementation of the first two phases of the World Programme

A. National strategies and plans of action

5. A number of States reported on their overall strategies or plans of action for human rights education. The *política plurinacional de derechos humanos 2015-2020* in the Plurinational State of Bolivia was built on the achievements of the *plan plurinacional de educación en derechos humanos 2009-2013*, developed by the Ministry of Education in coordination with the Ministry of Justice and the Defensor del Pueblo and with technical support from OHCHR. In Finland, the 2017 national action plan on fundamental and human rights, whose drafting benefited from the advice of the Finnish Human Rights Centre, included a section on human rights education as one of four main topics. Italy highlighted a national plan of action, approved by presidential decree in 2016, addressing children's rights and aimed at improving the quality of education and teacher training. Namibia reported that the 2015-2016 implementation framework of the national human rights action plan included activities designed to integrate human rights into all levels of education.

¹ Submissions will be available on the OHCHR website at www.ohchr.org/EN/Issues/Education/Training/WPHRE/ThirdPhase/Pages/ProgressReportUrdPhase.aspx.

6. In 2017, the Defensor del Pueblo of Argentina started elaborating and implementing a human rights education programme targeting all levels of the education system, teachers, administrators and non-governmental organizations (NGOs). In 2016, Guatemala involved civil society organizations in a review of its national human rights education policy (2006-2015) aiming to integrate human rights education into all levels of education and into the training of civil servants. The review identified the need to prioritize the human rights training of civil servants, to be addressed in the forthcoming 2018 human rights policy. Honduras reported on a comprehensive human rights education programme involving training-of-trainers courses, follow-up evaluations and development of teaching materials. In 2015-2016, the programme reached more than 23,000 individuals, including students, civil servants, law enforcement officers, military officials, prisoners, the private sector, civil society organizations, and media professionals. In Uruguay, a national plan for human rights education, elaborated through a broad consultative process and covering primary, secondary and higher education and vocational training, was approved in 2016; its implementation will be evaluated in 2018.

II. Primary and secondary school systems

Policies and related implementation measures

7. Some respondents highlighted policies and legal frameworks that promote the integration of human rights education into their school systems. In Slovenia, the law that covers primary and secondary education contains objectives on human rights education, which has also been a priority of its foreign affairs strategy since 2015. Poland reported that in connection with the 2016 structural reform of its education system, the Ministry of National Education had developed new core curricula, which articulated the development of respect for human rights as a key objective and specified content for human rights education. Italy highlighted legislation for school reform adopted in 2015 that aims to promote the right to education and improve the quality of education, including through the teaching of human rights values. In Chile, the educational reform that has been taking place since 2014 provided an occasion to integrate human rights education into the curricula, particularly through Law 20911 of 2016 establishing the citizenship education plan. The plan reintroduced, as a compulsory subject, civic and citizenship education in schools and related pre-service and in-service teacher training nationwide, as a joint project with a number of universities. Related themes include intercultural education, particularly with regard to indigenous peoples and migrants, a gender focus to combat stereotypes and prejudices and inclusive strategies in respect of people with disabilities.

8. In Germany, education for human rights, tolerance and democratic citizenship are regarded as core values articulated in federal legislation; each Land sets out which subjects have a special focus on human rights and provides schools with the relevant materials and textbooks. The standing conference of the Ministers of Education and Cultural Affairs of the Länder has also repeatedly highlighted the importance of human rights education and initiated corresponding ordinances and decrees at the Land level. Namibia referred to laws and national frameworks that promote human rights education and a conducive, safe learning environment in schools; these include the 2015 education bill, the 2013 Child Care and Protection Act, the national safe schools framework and the 2016 integrated school health programme. Serbia highlighted its 2020 strategy for the development of education and the Law on the Foundations of the Education System, which provide a framework for quality education that is inclusive and non-discriminatory and integrates human rights education. In 2015, Mexico revised its guide to elaborating and issuing operational rules for education sector programmes to include gender and human rights principles and in the context of ongoing educational reform, reviewed the subject of civic and ethical education in terms of content, methodology and textbooks for human rights and gender equality themes. In 2016 those themes were also included in various subjects for secondary education.

9. The Danish Institute for Human Rights reported that in 2016, human rights were incorporated into the objectives of higher secondary schools in Denmark through a new bill, which emphasizes that all upper secondary school programmes, as well as general,

commercial, technical and higher preparatory examination programmes, must develop and improve knowledge of and respect for human rights. It also highlighted a governmental action plan to prevent and combat bullying among children and a new bill implemented in 2017 extending protection against bullying amongst children and youth. As a result of a survey on human rights education in secondary vocational schools, the Netherlands adopted a decree on the examination and qualification requirements of vocational education, requiring them to integrate human rights into their curricula as of 2016. The National Human Rights Commission of Korea noted that the growth in human rights education efforts in 2016 could be partially attributed to an amendment to the Act on the Welfare of Persons with Disabilities concerning mandatory training on the rights of persons with disabilities. The Plurinational State of Bolivia highlighted a series of laws supporting human rights education.

10. In Guatemala, a study conducted by the Procuraduría in 2015 found that human rights were missing from the education system. In 2016, a technical group composed of the Procuraduría, the International Institute for Social Reconciliation, the United Nations Development Programme (UNDP), OHCHR, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the human rights office of the Guatemalan Archbishopric, in cooperation with civil society organizations, presented a plan to the Ministry of Education for strengthening the citizenship education subject. The plan includes teaching guides on themes such as historical memory, multiculturalism and human rights, which will be piloted in 2017 with 1,200 teachers. The Procuraduría also provided information on related programmes reported by the Ministry of Education, including the national strategy of citizenship education, consisting of teacher training, the development of teaching materials, monitoring and evaluation.

Teaching and learning processes and tools

11. Several States indicated that human rights were being taught in primary and secondary schools. In Bosnia and Herzegovina, a course entitled "Democracy and human rights" was introduced as an extracurricular subject in primary and secondary schools. In the secondary schools of the Russian Federation, courses on social studies and history included modules on human rights principles, legal norms and effective mechanisms for human rights protection. They aim to develop students' skills for critical analysis of situations involving human rights and engage them in a constructive dialogue on finding solutions to disputes. Serbia introduced a new curriculum with a subject on civic education and human rights and empowered teachers to integrate human rights education into all aspects of a student's learning. The Commissioner for Human Rights of Azerbaijan highlighted an educational programme for secondary school students, with the support of the Ministry of Education, focusing on the rights of the child through a peer-to-peer approach, whereby students are trained to conduct human rights briefings for lower level classes. In Argentina, human rights were included as a transversal content in various subjects in primary schools and more specifically within the ethical and citizenship education subject in secondary schools; the Defensor del Pueblo highlighted various projects, including *La defensoría en la educación*, in which secondary school students discuss issues such as gender equality and discrimination, and a secondary school campaign on human trafficking.

12. States also highlighted the work of their respective Ministries of Education to revise the national curricula. In Namibia, the Ministry of Education, Arts and Culture revised the national life skills curriculum, which integrates human rights education and covers issues such as respect for diversity and religious freedom. In Germany, human rights education measures were included in reforms of the framework curricula and guidelines. In Qatar, the Ministry of Education and Higher Education ensured the integration of the principles of human rights, women's rights, children's rights and international humanitarian law into the national curricula. The Finnish Human Rights Centre reported that human rights education was integrated into the new curriculum on basic education. In the framework of a memorandum of understanding with the Ministry of Education, the Afghanistan Independent Human Rights Commission supported the Ministry in integrating human rights education into school curricula at all levels. In Honduras, during 2015-2016 an agreement between the Secretaría de Derechos Humanos, Justicia, Gobernación y Descentralización

and the *Secretaría de Educación* prompted the revision of the national basic curriculum to include human rights, also in relation to the objective of preventing violence in schools. The Danish Institute for Human Rights noted the 2016 report of the then Minister for Children, Education and Gender Equality, which outlined recommendations for an improved pedagogical curriculum for day-care facilities based on the provisions of the Convention on the Rights of the Child.

13. Action was also taken to review school curricula in response to societal developments, such as in the context of the movement of migrants and refugees. In Germany, in response to the large number of refugees who had entered the country in the previous two years, migrant organizations and textbook publishers adopted a joint declaration on the depiction of cultural diversity, integration and migration in educational media, including textbooks. Serbia is finalizing a manual for schools, together with a related teacher-training programme, to establish support mechanisms for migrant and refugee children. Slovenia has developed and disseminated 80,000 copies of a worksheet entitled "Children refugees" to raise awareness of the rights of the child refugee. Through the "Our rights" project, since 2005 the Ministry of Foreign Affairs has supported human rights education for about 190,000 children in 26 countries.

14. Some States have implemented specific initiatives. In Serbia, a capacity-building programme for interministerial commissions includes key human rights principles related to respecting the rights of the child, the prevention of discrimination and violence, and ensuring the participation of students in decision-making processes. Ten pilot schools participated in the programme and created school action plans for the improvement of the rights of the child. In Ecuador, the Defensor del Pueblo developed, in the context of an agreement with the Ministry of Education related to its "student participation" programme, a manual for promoting human rights among adolescents between 14 and 18 years of age. In July in 2015, the Ministry of Education, Universities and Research signed a memorandum of understanding with *Ciudadactiva*, a civil society organization that promotes civic participation, to implement human rights and civic education programmes. In Argentina in 2015, the Ministry of Justice and Human Rights published *Yo me juego por mis derechos*, a playful guide for children and adolescents supporting human rights learning and also available online. Qatar renewed the programmes of its Ministry of Culture, Arts and Heritage aimed at promoting human rights education.

15. Some respondents reported on research and knowledge-sharing efforts. Serbia conducted research on gender-based violence in schools to identify prevention and intervention strategies. The Finnish Human Rights Centre noted its 2012 national baseline study on human rights education and training, which continues to guide its related work. In Hungary, the Office of the Commissioner for Fundamental Rights established a task force in 2015 consisting of the heads of various institutions, who meet at least once a year to share experiences in the area of human rights education, particularly for children and youth. The National Human Rights Commission of Korea organizes an annual human rights education council for schools, which brings together human rights education officers from the Ministry of Education and 17 provincial and metropolitan city education offices to share good practices and identify opportunities for cooperation. The Commission conducted a study of human rights-related courses in 300 universities and presented the findings, together with recommendations, to the education council; it also established six human rights education centres throughout the country. In Mexico, materials were developed to carry out surveys on school life, also addressing gender and human rights issues. In 2016, educational institutions carried out a survey on human rights education in secondary schools. The National Council for Human Rights of Egypt organized, together with the United Nations Children's Fund (UNICEF), a number of training activities for teachers, including workshops to share experiences.

Education and professional development of teachers and other personnel

16. Several respondents noted that human rights have been integrated into teacher training. Poland highlighted training programmes and activities for teachers of the Ministry of National Education aimed at strengthening knowledge of human rights and skills to deliver human rights education. The Ministry also developed, together with the Ministry of

Foreign Affairs, an e-learning course for teachers on global education, with a specific module devoted to participation and human rights issues. In Israel, the Ministry of Education implemented a number of training programmes for teachers aimed at increasing knowledge of human rights, equality, tolerance and coexistence among students, as well as how to deal with racism and effectively use human rights education materials. Germany reported that most of the Länder have taken special measures to integrate human rights education into in-service training for teachers. Higher education institutions also received federal support to develop innovative concepts for teacher training courses and to improve their quality, including by integrating issues related to diversity and inclusive education in the context of its growing refugee population. Uruguay implemented various projects to promote human rights education for teachers and educators; in 2016, education authorities approved a document entitled "Basics and orientation of the 2017 proposal", which concerns training for all teachers and educators in the country and includes human rights as a main axis, together with diversity and sexual education, for all related programming.

17. Respondents highlighted specific initiatives for teachers and educators. The Defensor del Pueblo of Ecuador developed a human rights teacher-training programme to equip teachers with the relevant methodological skills, as well as the capacity to identify human rights vulnerabilities through their work and refer related cases to the Defensor. Around 140 teachers from different regions participated in this two-phase programme, which consisted of a face-to-face course followed by a distance-learning module to reinforce learning through reflection and application. Bosnia and Herzegovina, through its network of educators known as CIVITAS, trained 37,170 teachers to teach democracy and human rights using interactive methodology. The Human Rights Commission of Uganda highlighted its training for teachers on human rights, children's rights, the right to education and the human rights of groups in vulnerable situations. Serbia noted that teacher training includes subjects such as equality and respect for diversity and that a newly established master's programme at the Universities of Belgrade and Kragujevac on education policy includes such topics. It also noted a number of human rights training programmes for teachers, including the project on education for children's rights implemented by the Centre for Children's Rights in Ušice that trains teachers on children's rights and related topics. The National Human Rights Commission of Korea conducted a number of eight-day human rights training programmes for teachers and educators, whose graduates formed a pool of human rights trainers. It also held a workshop for teachers, educators, textbook authors and local government officials on developing human rights-friendly textbooks, based on research it had conducted in 2015 on how discrimination and human rights violations were portrayed in school textbooks. Monaco reported that its teachers were trained in France, where human rights education modules were available. Mexico highlighted a wealth of human rights education activities for school personnel, including, in 2015, training of more than 160,000 teaching, administrative and managerial staff of the Secretaría de Educación Pública on issues such as gender equality, gender violence, discrimination and sexual harassment and human rights. In the context of the professional development programme for teachers, in 2015-2016 more than 60,000 teachers and other school personnel, including inspectors and supervisors, participated in training programmes on gender equality, human rights, intercultural education and eradication of violence. The *Programa nacional de convivencia escolar*, implemented in the context of the national policy for schools free from bullying, promoted human rights training for school personnel and the development of related material. In Argentina, at its National Institute for Teacher Training, the Ministry of Education and Sports created a new advanced specialization in education and human rights for teachers at all education levels, as a joint project with the Ministry of Justice and Human Rights.

18. Many respondents described action taken to produce and disseminate resources and materials to support teacher training and professional development. The Danish Institute for Human Rights highlighted its collaboration with teacher-training colleges to develop an elective course on teaching human rights, so far implemented in two colleges. In the United Kingdom of Great Britain and Northern Ireland, the Equality and Human Rights Commission produced an education resource for secondary schools entitled "Equal rights, equal respect", which consists of lesson plans, videos and other training resources for teachers. Serbia worked with UNICEF to develop and translate a kit of 14 professional

manuals on inclusive education, based on respect for human rights, with a focus on the rights of the child and students with disabilities. It also developed teacher training manuals on the rights of the child and the prevention of gender-based violence in schools, and a web platform that houses resources to support teachers. The Netherlands Institute of Human Rights is developing a toolbox for teaching human rights in schools, in collaboration with human rights and educational organizations, to be launched in 2017. In 2016, the Finnish Human Rights Centre prioritized the development of human rights education materials for teachers and civil servants, including material on the new national core curricula and a lecture series on human rights issues and mechanisms targeting teachers, journalists and civil servants. In Hungary, the Office of the Commissioner for Fundamental Rights developed a thematic children's rights media platform, with a wide range of informational and teaching materials to be used by both teachers and parents. The National Human Rights Commission of Korea developed and disseminated human rights education material, including textbooks, training materials, e-learning courses and other online resources, for teachers and educators; it also made an effort to ensure that some of those materials were accessible for people with disabilities.

19. Some States reported that respect for human rights is included in the accreditation processes and codes of conduct for teachers. In Serbia, for instance, standards for the teaching profession, adopted in 2011, highlight the responsibility of teachers to practise human rights values in their teaching and to promote human rights education. The Institute for the Improvement of Education, responsible for the accreditation of professional development programmes, also recently approved eight programmes on human rights education.

The learning environment

20. Efforts also took place through extracurricular programmes fostering learning environments conducive to human rights education. In German schools, students have opportunities to participate actively in decision-making, which encourages them to practise human rights in their daily lives. In Uganda, the Human Rights Commission supported human rights and peace clubs in secondary schools, which conduct human rights education activities through drama shows, debates, music, community outreach and radio talk shows. The National Human Rights Commission of Korea signed memorandums of understanding with various provincial and metropolitan city education offices to create human rights-friendly schools, promote safe learning environments and implement joint human rights education programmes. It also organized human rights educational activities for athletic clubs to promote a human rights-friendly sports culture in schools. The Slovak National Centre for Human Rights organized human rights educational activities in primary and secondary schools and delivered training within its education project for Roma communities to raise awareness of issues regarding non-discrimination, the labour laws and human trafficking. The National Council for Human Rights of Egypt organized, in coordination with the Ministry of Education, a number of educational activities, including human rights games for children. In Israel, the Ministry of Education celebrates Human Rights Day annually, focusing on a different human rights issue each year, and a relevant curriculum and teaching material are developed in both Arabic and Hebrew.

21. Poland highlighted a project aimed at creating space for dialogue between young Poles and Israelis through educational activities combating anti-Semitism, racism and intolerance. Israel facilitated exchanges between Jewish and Arab students through a number of programmes, such as "Living together", in which Jewish and Arab students jointly planned and participated in educational activities on tolerance and understanding; and *Ya salam*, which included joint Hebrew and Arabic classes in both Jewish and Arab schools for students to learn about each other's language and culture. The Russian Federation reported extracurricular activities that allow for interaction between students and law enforcement officials on legal topics. In Hungary, the Office of the Commissioner for Fundamental Rights worked with the Council of Europe European Youth Centre to train youth and youth educators in human rights, including the rights of minority children and combating online hate speech. In Serbia, all reception centres that register migrant and refugee children have established corners for children with educational activities and psychosocial support for children and youth. In Uruguay, various human rights education

projects targeted children and youth outside the formal education system, for instance in community centres.

C. Higher education

22. Several respondents reported that human rights were regularly taught in many universities, either as stand-alone courses or integrated into courses on political science, law, history, humanities, philosophy, psychology, theology, social and medical sciences and education. In Slovenia, students at the Universities of Ljubljana and Maribor take courses on human rights protection and human rights education in a number of departments and staff at Maribor University receive training on human rights. Serbia noted that students of psychology at Belgrade University take several courses on inclusive education and student-oriented teaching. The Afghanistan Independent Human Rights Commission worked closely with the Ministry of Higher Education and universities to implement 51 memorandums of understanding that it signed with universities and higher education institutes during the second phase of the World Programme, to integrate human rights into higher education courses and curricula. The Commissioner for Human Rights of Azerbaijan highlighted courses on human rights and gender taught at universities and noted that it had published a compilation of university lectures on human rights. In Mexico in 2015, the National Pedagogical University included human rights themes in the curricula concerning indigenous education and educational psychology and in some specializations. The Open and Distance Learning University includes, as permanent features of all curricula, programmes and materials on gender equality, human rights and the eradication of violence.

23. The Finnish Human Rights Centre conducted a training course on human rights education for youth instructors in partnership with Haaga-Helia University and delivered guest lectures on human rights education at Helsinki and Oulu Universities. In Chile, the National Institute for Human Rights and the Red de Equipos de Educación en Derechos Humanos, through a formal agreement between the Ministry of Education and National Institute (2016-2020), developed, through a participatory process, a basic human rights education course building on nationwide academic expertise. In Nicaragua in 2015, the Procuraduría para la Defensa de los Derechos Humanos organized human rights sensitization activities for more than 800 university students. In 2016, with the support of university students, the Procuraduría also organized lectures, workshops, conferences and forums for the general public, reaching more than 9,000 individuals.

24. Some universities have specific departments for human rights and human rights education, and offer master's and doctorate programmes in human rights. Turkey named 12 universities that have human rights departments, 6 with human rights master's degrees, and 1 (Hacettepe University) offering a doctorate in human rights. The Commissioner for Human Rights of Azerbaijan highlighted the establishment of the UNESCO Chair of Human Rights and Information Law at Baku State University. In the Russian Federation, a consortium of higher-learning institutions, in collaboration with OHCHR, offered a master's programme in human rights; in 2016, 92 students in six graduating classes completed this degree. Universities in Germany offer master's degrees in international human rights, humanitarian law, genocide studies, peace and conflict research and social work as a human rights profession. In Uruguay, a new academic unit dedicated to human rights was created in 2016 at the University of the Republic, the country's public university. In Guatemala, the General Commission for the Study of Human Rights, composed of academic authorities, professors, students and the Procuraduría, was created in 2016 at the University of San Carlos to promote human rights studies within the university. In Argentina, various universities have included human rights in both graduate and postgraduate studies: for example, the University of Buenos Aires created a human rights centre within the Law Faculty to give impetus to human rights education for legal professionals and the National University of Lanús developed a compulsory transversal seminar for all its students on justice and human rights.

25. Some higher education institutions conduct research on human rights education and facilitate networking. The National Human Rights Commission of Korea concluded an

agreement with 12 universities to provide support in setting up research centres on human rights education and building networks for knowledge-sharing. Together with UNESCO and the Arab Organization for Human Rights, the National Council for Human Rights of Egypt developed guidelines for education on democracy for youth, which includes sections on human rights and gender equality. Training on implementing the guidelines will be organized both within and outside educational institutions in collaboration with the Ministry of Higher Education, national specialized councils, UNESCO and civil society organizations. In Mexico in 2015, the Secretaría de Educación Pública developed methodological tools to facilitate the inclusion of gender and human rights perspectives in graduate programmes in social sciences, humanities and medical sciences and postgraduate programmes in social sciences and humanities. In Azerbaijan, the Commissioner for Human Rights established a human rights education network that provided information on human rights mechanisms and organized lectures and seminars on human rights. In Germany, some Länder have special programmes for human rights education with university departments serving as advisers. The Netherlands Institute of Human Rights reported collaboration between Dutch and Flemish universities to integrate human rights education into social work curricula. A network is currently being established to share good practices and actively advocate at various universities for a human rights-based approach to social work.

26. Extracurricular human rights education efforts targeting university students were also reported, such as a nationwide competition organized by the Russian Federation in 2016 on the content and methodology of legal education, or a series of prizes awarded to law students by the Office of the Commissioner for Fundamental Rights in Hungary. The Association of Lawyers of Russia and OHCHR also developed educational games to increase the knowledge and skills of teachers, university lecturers, civil servants and law enforcement officials for the protection of human rights. In India, the National Human Rights Commission organized internship programmes for university students to increase their knowledge of human rights issues and the work of the Commission. Similarly, the National Human Rights Commission of Korea runs internship programmes for law students at the 12 universities with which it has signed related agreements. The Office of the Commissioner for Fundamental Rights of Hungary highlighted the internship programme it has run since 2009 in collaboration with partner law schools, which allows law students to experience at first-hand the human rights work of the Office and apply their knowledge through specific tasks carried out under the mentorship of staff members.

27. In the context of the movement of migrants and refugees, all the Länder in Germany have made efforts to facilitate access to higher education for refugees and there are several student initiatives supporting their integration, in line with the human rights commitments of the German academic world. Several universities are also conducting research on the integration of refugees. In Slovenia, the strategy for the internationalization of Slovenian higher education (2016-2020) guided the work of the Centre for Mobility and European Educational and Training Programmes, an affiliated entity of the Ministry of Education, which in 2016 organized training courses for 52 staff members of four universities on cultural differences, stereotyped thinking, cross-cultural communication and conflict resolution across cultures.

D. Civil servants

28. With regard to human rights training for civil servants, the Defensor del Pueblo of Ecuador has worked since 2014 on developing a sound methodology, based on learner-centred, participatory and experiential approaches, which has been condensed in policy guidelines, promoted through internal staff training and explained in methodological guides such as *Vivo mis derechos! Manual de implementación para facilitadores y facilitadoras*. Building on this work, in 2015-2016 through various educational activities the Defensor reached more than 36,000 individuals, particularly civil servants and civil society organizations. In Uruguay, the National Office of the Civil Service and the Secretaría de Derechos Humanos of the Presidency of the Republic signed an agreement in 2016 to strengthen the capacity of public administration officials in human rights; in that context, a

course on human rights in public policies is planned for 2017, with the technical support of MERCOSUR. The Netherlands Institute of Human Rights supported human rights training of professionals working in the social domain, including municipal officials, by producing educational materials on the protection of human rights at the local level and by delivering training on the application of human rights in various contexts. Honduras highlighted a pilot project in 2016 addressing drivers of public transport in Tegucigalpa and Comayagüela, identified as a priority target audience among the various target audiences of its large training programme for civil servants, owing to their regular contact with members of the public and particularly groups in situations of vulnerability. The project, which received a positive evaluation, will develop into a wider programme in 2017. The National Human Rights Commission of Korea conducted a study on human rights education in 64 training institutes for civil servants and teachers. In Argentina, the Ministry of Justice and Human Rights created a "human rights school", which offers educational activities organized jointly with local and community associations to tackle community needs, and a distance learning "campus" with courses on human rights issues, including pedagogy, sexual diversity, interculturality and migration.

29. In Nicaragua, in 2015 the Procuraduría organized human rights seminars and courses for over 4,000 civil servants, including staff from the Ministries of Education, Health, the Family, the Interior and Labour, the Public Ministry, municipalities, the Nicaraguan Aqueduct and Sewer Company, the National Police, the Nicaraguan army and the Supreme Court of Justice. The Procuraduría also supported pre-service training in human rights of students of police and military academies. In Morocco, the Ministry of Justice and Freedoms strengthened through training the capacity of judicial staff responsible for dealing with women and children victims of violence and trafficking and the Ministère de la réforme de l'Administration et de la fonction publique organized human rights training for officials from the Ministries of the Interior, Health and Transportation and its own officials, including on gender equality in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women. The Procuraduría of Guatemala reported that from 2008 to 2015, the Government carried out a series of training-of-trainers programmes on human rights issues for staff of the School of Penitentiary Studies, the Police Academy, the Ministry of Public Health and Social Assistance and the School of Judicial Studies; in 2016, around 2,000 civil servants participated in human rights courses.

30. In Slovenia, all training activities organized by the judicial training centre of the Ministry of Justice for judges, State prosecutors, State attorneys and other judicial personnel include lectures on the protection of human rights, which is also the main topic of specific training events. In the framework of the Council of Europe European Programme for Human Rights Education for Legal Professionals, the centre developed an e-learning course and organized training events on labour rights for judges and senior judicial advisers. In the Russian Federation, civil servants, judiciary and law enforcement officials regularly take advanced training courses on human rights and related international mechanisms. Turkey reported on at least 22 training activities for the judiciary in 2015-2016 focusing on human rights and similar efforts for staff working in education, pedagogy, psychology and sociology. The National Human Rights Commission of India organized several human rights training programmes for civil servants, including one jointly with the Indian Law Institute in New Delhi for district-level judicial officers. The Office of the Commissioner for Fundamental Rights of Hungary highlighted its long-standing cooperation with the Hungarian Association of Administrative Judges to train judges on a wide range of human rights issues and legal practices applied by the relevant courts. In Egypt, the National Council for Human Rights provided human rights training to jurists and staff of the Ministry of Legal and Parliamentary Affairs, including in relation to managing parliamentary elections.

E. Law enforcement officials

31. Most respondents mentioned that human rights are included in the training of law enforcement officials. In Italy, the Ministry of the Interior signed a memorandum of

understanding with the National Authority for Childhood and Adolescence to promote related training activities for police officers and national police at all levels are trained in human rights issues and international humanitarian law, as well as in investigation techniques on child abuse, domestic violence, gender violence and discriminatory acts. Turkey reported that police chiefs and officers working in the Ministry of the Interior General Directorate of Security, receive human rights training. In addition, the Turkish National Police Academy and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe signed a memorandum of understanding in 2016 and are implementing a set of training programmes to address hate crime. In Slovenia, both police officers and employees of the Ministry of Interior participate in human rights training courses.

32. In Morocco, human rights training is included in both pre-service and in-service training for the Gendarmerie Royale and is reinforced by other measures, such as thematic training sessions, dissemination of relevant documentation, including the 2015 *charte d'éthique et de conduite* and other guidance, and regular inspections. In 2016, the Direction générale de la sûreté nationale reviewed its pre-service human rights training programme for the police with a view to upgrading it and continued its in-service human rights training programme accompanied by the dissemination of human rights policy guidance. Other security forces and in particular the Forces Auxiliaires, take human rights courses focusing on the tactical and technical aspects of human rights in policing, as well as thematic courses, organized in cooperation with relevant organizations, such as the International Organization for Migration (IOM), with regard to human trafficking. In Poland, human rights content is integrated into every step of police training, including basic training, university training, specialist courses and in-service training, in addition to thematic programmes, such as on combating hate crimes and discrimination, preventing the abuse of power by the police and promoting equality. In Azerbaijan, the Commissioner for Human Rights reported close cooperation on human rights training with the Police Academy. The Netherlands Institute of Human Rights noted that while the Dutch Police Academy did not have modules specifically focused on human rights, many education programmes for aspiring police officers often addressed human rights issues, such as the human rights of migrants or victims of human trafficking. The Anne Frank Foundation also provided human rights training courses for police and municipal officials.

33. Several submissions included reports on the human rights training of prison officials. The Human Rights Commission of Uganda delivered human rights training for the Police Force, the People's Defence Force, the prisons service and the Internal Security Organisation, with a focus on human rights standards relevant to the work of those agencies, including safeguards during arrest and detention, principles governing the use of force and the prohibition of torture. The Commissioner for Human Rights of Azerbaijan reported that staff of the Penitentiary Service of the Ministry of Justice, including medical staff, were trained in human rights. In Turkey, prison officials and members of the gendarmerie regularly undergo human rights training and have the opportunity to participate in related conferences. In Israel, human rights are a component of the general training for prison officials and are also imparted through stand-alone courses given to officers and wardens. The Procuraduría of Guatemala highlighted a number of human rights training courses for members of the security forces under the Ministry of Interior and staff of the penitentiary system in cooperation with academic institutions, governmental agencies and civil society organizations.

34. To address the increasing movement of migrants and refugees, several countries are providing human rights training to border and coastguards, often in collaboration with international organizations. Turkey provided training programmes in collaboration with IOM for all officers in the Coastguard on the human rights of migrants and refugees and the protection of groups in vulnerable situations. In Israel, personnel of the Population, Immigration and Border Authority receive a four-week course on refugees and asylum seekers, which includes human rights topics. The course was developed jointly with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Hebrew Immigrant Aid Society and the United States of America Department of Homeland Security. In Egypt, the National Council for Human Rights delivered training courses to

police and immigration officers on human rights and the social and psychological impact of human trafficking.

F. Military

35. Human rights training for the military was reported by several countries. In Italy, human rights protection issues are part of compulsory pre-service and in-service training of army personnel. The Commissioner for Human Rights of Azerbaijan conducted training activities for military units and institutions of the Ministries of Defence, Internal Affairs and Emergency Situations, as well as within military academies. Serbia, with the support of UNDP, organized training on gender equality and integrated human rights education for cadets in the Military Academy. In Poland, the Ministry of National Defence places special emphasis on providing training in human rights and international humanitarian law, particularly in relation to armed conflict, protection of civilians and refugee law. In Israel, training activities for the military focus on human rights, the law of armed conflict, arrest and detention practices and legal obligations towards civilians. The Afghanistan Independent Human Rights Commission, in the framework of a memorandum of understanding signed in 2016 with the Ministry of Defence and the Afghan National Defence University, provided training on international human rights and humanitarian law to professors and students of the university and will prioritize the integration of international human rights law into the curriculum of the university. In the Republic of Korea, which has recently experienced an increase in the number of shootings and suicides in the military, the Human Rights Commission organized training for officers in the army, navy and air force to promote a culture of human rights within the military. The Procuraduría of Guatemala organized a large number of training courses for military personnel, governmental departments, the International Committee of the Red Cross, the Institute for Education for Sustainable Development and the Centre for Research, Training and Support to Women.

III. Action at the national level to promote human rights training of media professionals and journalists

36. Various respondents reported on human rights training of media professionals and journalists. Germany highlighted training programmes on the role of the media in promoting transparency, freedom of expression and access to information, and on human rights reporting and journalism ethics, and supported the media in adopting professional ethical guidelines. In Mexico, the National Human Rights Commission ran a programme on violations of the human rights of journalists and human rights defenders, building on national legislation. As well as dealing with specific cases, the Commission worked with national academic and professional institutions, including the National Press Commission, national and local authorities and NGOs, to implement preventive action, including training and related activities targeting journalists, civil servants, university professors and students, legal professionals, law enforcement officials and the public. Since 2015, the Defensor del Pueblo of Ecuador has developed a methodology for analysing media work and human rights implications through an international seminar involving around 30 media professionals and relevant staff of the national human rights institution. The methodology was then adapted for use in Ecuador. It also organized with UNHCR the campaign *Inspiras dignidad*, including a series of training courses for media professionals and journalists throughout the country; the courses, focusing on combating discrimination and violence, used participatory methodologies and the analysis of case studies and media products.

37. The Ministry of Culture of Slovenia supported the Slovene Association of Journalists in providing training on, among other issues, journalism ethics and reporting on groups in vulnerable situations, including women victims of violence. For 2017, Morocco planned a training course for media professionals in partnership with the Ministry of Justice, UNESCO and the Council of Europe. Qatar, through its Doha Centre for Media Freedom, supported journalists and media organizations that had been subject to mistreatment because of their professional activities. This included training on security and

safety issues for journalists working in areas of conflict or where the right to freedom of opinion and expression has been threatened. The Danish Institute for Human Rights conducted a mapping of human rights training for journalists in Denmark and met with the Danish Union of Journalists to discuss the issue.

38. Some respondents reported on training programmes at university level. In Argentina, some universities offered graduate and postgraduate courses in communications and human rights, as well as seminars and other initiatives for journalists in cooperation with NGOs and governmental authorities. In Morocco, human rights modules were included in the curricula of both the basic and master's degrees of the Institut supérieur de l'information et de la communication, which trains media professionals.

39. Some respondents had developed relevant training materials. For example, the National Human Rights Commission of Korea developed textbooks and session plans for media professionals and journalists, including the 2016 "Guide to journalism and human rights", and related training activities. Since 2010, the Commission has also organized an annual human rights conference for journalists to raise awareness of their role in promoting and protecting human rights.

40. Some respondents reported initiatives focused on fostering dialogue and cooperation between the media and other actors. In the Philippines, the Commission on Human Rights signed a memorandum of understanding with the Movie and Television Review and Classification Board to develop human rights training for media professionals. As a start, the Commission organized a focus group discussion with media professionals and representatives of academia, NGOs and governmental agencies to identify priorities and foster the sharing of good practices. The Afghanistan Independent Human Rights Commission and the Human Rights Commissioner of Azerbaijan organized conferences to promote dialogue between national and international journalists, university professors and national and local government officials on issues related to freedom of expression and the human rights challenges faced by media professionals. In Morocco in 2012, the Ministry of Communication launched a dialogue with professional media associations and a broad coalition of national human rights NGOs on communication and public information, and engaged in a process to improve legislation concerning freedom of opinion and expression.

41. Some respondents highlighted the need to sensitize journalists to human rights considerations in reporting on issues concerning groups in situations of vulnerability. The Office for Human and Minority Rights in Serbia supported 59 civil society organizations in implementing national anti-discrimination policies through projects targeting media companies and journalists involved in reporting on human rights and specific social groups. The Ministry of Culture and Information also supported projects to train journalists from the local media in reporting on the human rights of people with disabilities and improve professional and ethical standards in reporting on lesbian, gay, bisexual and transgender communities. In addition, the Association of Journalists in Serbia organized a course, in cooperation with UNICEF, on supporting the inclusion in education of children from groups in situations of vulnerability through media coverage. Germany supported 270 community media outlets in 20 countries in strengthening freedom of expression and access to information for groups in vulnerable situations, trained 1,400 individuals to become citizen journalists and supported training programmes on local university campuses focusing on human rights for journalists working in rural areas.

42. On refugees and migrants, in Greece the Secretariat General for Media and Communications organized training activities for the media and communications services on the rights of refugees, including on the protection of the rights of refugee children in the media. Slovenia highlighted the work of the Peace Institute, an NGO that provides briefings for journalists on the human rights of refugees and migrants. In Hungary, the Office of the Commissioner for Fundamental Rights worked with the Council of Europe European Youth Centre to train young journalists on human rights, including the rights of refugees and asylum seekers, through an international seminar entitled "Diversity voices." Furthermore, Germany supported media projects for people living in refugee camps to enable them to access digital community platforms to share information, news and educational content.

43. Training activities also addressed gender equality. In 2016, for example, the Secretariat General for Media and Communications of Greece signed a memorandum of cooperation with the Research Centre for Gender Equality to jointly promote gender equality in the media, particularly through a survey of sexist stereotypes in the Greek media, the development of a manual for media professionals addressing fair representation and the inclusion of women and men in their reporting and media content, and the delivery of training activities for related professionals in non-discrimination and equality. Another thematic area mentioned by respondents was respect for human rights in the coverage of conflict. The Doha Centre for Media Freedom in Qatar trained journalists working in conflict areas and Germany supported 181 media organizations in 10 countries in reporting in a more local-sensitive manner in relation to conflicts and crises.

IV. Conclusions

44. The information summarized in the present report reveals that in some countries significant efforts have taken place since 2015 in the area of human rights education and training, whether or not as part of a strategy developed in the specific context of the World Programme for Human Rights Education.

45. A number of positive developments can be identified. For instance, comprehensive sectorial strategies in human rights education in the school system were adopted where action, often in the context of educational reforms, went beyond curriculum development to address education policies, human rights training for teachers and other education personnel and the development of extracurricular activities and research. Furthermore, some human rights training efforts were implemented as part of broader strategies to tackle human rights issues in specific contexts, with some common thematic focuses (such as migration, gender and diversity) and utilizing learner-centred and participatory methodologies. Cooperation between national actors — government entities, national human rights institutions, civil society organizations and academia — and between those and regional and international organizations, appears to be a regular and promising feature.

46. Challenges that surfaced from the responses included, particularly with regard to the training of professional groups, the implementation of ad hoc training initiatives vis-à-vis overall strategies and inadequate evaluation and follow-up of training processes. In addition, human rights training of media professionals and journalists appears to be less developed in comparison with more “traditional” target audiences, such as law enforcement officials; in that regard, respondents mentioned particularly the lack of national policies and identified responsible agencies.

47. At the midterm point of the third phase of the World Programme, it is important to learn from and build on the good practices highlighted above and to continue using its plan of action (A/HRC/27/28) as methodological guidance and a benchmark to support stocktaking and further action.

Annex

List of respondents

<i>Governments</i>	<i>National human rights institutions</i>
Bolivia (Plurinational State of)	Afghanistan
Bosnia and Herzegovina	Argentina
Chile	Azerbaijan
Egypt	Denmark
Germany	Ecuador
Greece	Egypt
Honduras	Finland
Israel	Guatemala
Italy	Hungary
Mexico	India
Monaco	Mexico
Morocco	Netherlands
Namibia	Nicaragua
Poland	Philippines
Qatar	Republic of Korea
Russian Federation	Slovakia
Serbia	Uganda
Slovenia	United Kingdom of Great Britain and Northern Ireland
Turkey	
Uruguay	



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Agenda items 3, 4, 7, 9 and 10

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Human rights situations that require the Council's attention

Human rights situation in Palestine and other
occupied Arab territories

Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action

Technical assistance and capacity-building

Communications report of Special Procedures^a

Communications sent, 1 March to 31 May 2017;

Replies received, 1 May to 31 July 2017

Joint report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Independent Expert on the enjoyment of human rights by persons with albinism; the Working Group of Experts on people of African descent; the Working Group on arbitrary detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the situation of human rights in Cambodia; the Independent Expert on the situation of human rights in the Central African Republic; the Special Rapporteur in the field of cultural rights; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Special Rapporteur on the right to development; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable

^a The present report is circulated as received.

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environment; the Working Group on enforced or involuntary disappearances; the Special Rapporteur on the situation of human rights in Eritrea; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; the Independent Expert on the situation of human rights in Haiti; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in Myanmar; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the Special Rapporteur on the right to privacy; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Independent Expert on the situation on human rights in the Sudan; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on violence against women, its causes and consequences; the Working Group on the issue of discrimination against women in law and in practice; and the Special Rapporteur on the human rights to safe drinking water and sanitation.

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Abbreviations

African Descent	Working Group of Experts on people of African descent
Albinism	Independent Expert on the enjoyment of human rights by persons with albinism
Arbitrary detention	Working Group on Arbitrary Detention
Belarus	Special Rapporteur on the situation of human rights in Belarus
Burundi	Special Rapporteur on the situation of human rights in Burundi
Business enterprises	Working Group on the issue of human rights and transnational corporations and other business enterprises
Cambodia	Special Rapporteur on the situation of human rights in Cambodia
Central Africa	Independent Expert on the situation of human rights in the Central African Republic
Côte d'Ivoire	Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights
Cultural Rights	Special Rapporteur in the field of cultural rights
Development	Special Rapporteur on the right to development
Disability	Special Rapporteur on the rights of persons with disabilities
Disappearances	Working Group on Enforced or Involuntary Disappearances
Discrimination against women	Working Group on the issue of discrimination against women in law and in practice
DPR Korea	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
Education	Special Rapporteur on the right to education
Environment	Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
Eritrea	Special Rapporteur on the situation of human rights in Eritrea
Extreme poverty	Special Rapporteur on extreme poverty and human rights
Food	Special Rapporteur on the right to food
Foreign debt	Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
Freedom of expression	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
Freedom of peaceful assembly and of association	Special Rapporteur on the rights to freedom of peaceful assembly and of association
Freedom of religion	Special Rapporteur on freedom of religion or belief
Haiti	Independent Expert on the situation of human rights in Haiti
Hazardous substances and wastes	Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
Health	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Human rights defenders	Special Rapporteur on the situation of human rights defenders
Housing	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Independence of judges and lawyers	Special Rapporteur on the independence of judges and lawyers
Indigenous peoples	Special Rapporteur on the rights of indigenous peoples
Internally displaced persons	Special Rapporteur on the human rights of internally displaced persons
International order	Independent expert on the promotion of a democratic and equitable international order
International Solidarity	Independent Expert on Human Rights and International solidarity
Iran	Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
Leprosy	Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members
Mali	Independent Expert on the situation of human rights in Mali
Mercenaries	Working Group on the use of mercenaries
Migrants	Special Rapporteur on the human rights of migrants
Minority issues	Special Rapporteur on Minority Issues
Myanmar	Special Rapporteur on the situation of human rights in Myanmar
OPT	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
Older persons	Independent Expert on the enjoyment of all human rights by older persons
Privacy	Special Rapporteur on the right to privacy
Racism	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Sale of children	Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
Sexual orientation and gender identity	Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
Slavery	Special Rapporteur on contemporary forms of slavery
Somalia	Independent Expert on the situation of human rights in Somalia
Sudan	Independent Expert on the situation of human rights in the Sudan
Summary executions	Special Rapporteur on extrajudicial, summary or arbitrary executions
Terrorism	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Torture	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Trafficking	Special Rapporteur on trafficking in persons, especially women and children
Truth justice, reparation & guarantees on non-recurrence	Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence
Unilateral coercive measures	Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
Violence against women	Special Rapporteur on violence against women, its causes and consequences
Water and Sanitation	Special Rapporteur on the human right to safe drinking water and sanitation

Other abbreviations

AL	Letter of allegation
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JAL	<i>Joint letter of allegation</i>
JUA	<i>Joint urgent appeal</i>
UA	<i>Urgent appeal</i>

I. Introduction

1. Special procedures are mandated by the Human Rights Council to report to it on their activities (see Appendix).
2. In 2009, the sixteenth annual meeting of special procedures mandate holders decided that a joint communications report would be prepared (cf. A/HRC/12/47, paras 24-26), with this decision being reconfirmed by the seventeenth annual meeting of special procedures in 2010 in order to avoid duplication, rationalize documentation, allow examination of cross cutting issues and ensure that the content of communications and any follow-up would feed into the universal periodic review mechanism more effectively. Mandate holders decided that the report should contain summaries of communications and statistical information (A/HRC/15/44, para. 26-27).
3. The Outcome of the review of the work and functioning of the Human Rights Council calls on the Office of the High Commissioner for Human Rights to maintain information on special procedures in a comprehensive and easily accessible manner, and encourages the use of modern information technology to reduce the circulation of paper (A/HRC/RES/16/21, Annex, paras. 29 and 60).
4. All short summaries of allegations communicated to the respective State or other entity are made available on the Special Procedures communications website, link to which is included in paragraph 13 of the present report. The communications sent and responses received are also accessible electronically through hyperlinks. Communications are reproduced in the language in which they were sent. Replies received in Arabic, Chinese or Russian are included with translations into English, where available.
5. This website now reports all urgent appeals, and letters of allegations sent by special procedures mandate holders between 1 March and 31 May 2017 and replies received until 31 July 2017. Communications sent before 1 March 2017 are reported in A/HRC/35/44, A/HRC/34/75, A/HRC/33/32, A/HRC/33/32 corr.1, A/HRC/32/53, A/HRC/31/79, A/HRC/30/27, A/HRC/29/50, A/HRC/28/85, A/HRC/27/72, A/HRC/26/21, A/HRC/25/74, A/HRC/24/21, A/HRC/23/51, A/HRC/22/67, A/HRC/22/67 corr.1 and corr.2, A/HRC/21/49, A/HRC/20/30, A/HRC/19/44 and A/HRC/18/51 respectively are also made available on the dedicated website.
6. Also as part of this report, the special procedures communications website also includes replies received between 1 May and 31 July 2017 relating to communications sent by special procedures mandate holders before 1 March 2017. Some of these replies supplement information communicated earlier by the respective State.
7. The present report contains urgent appeals sent by the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances and joint urgent appeals sent by them together with other mandates. It does not contain other types of communications issued by these mandates, which are processed according to their own distinctive procedures, and are reported in the annual reports of these two working groups.
8. The names of some alleged victims have been obscured in order to protect their privacy and prevent further victimization. Names of victims who would otherwise have their identities protected are mentioned only when the individual concerned or their direct family has expressly consented or requested to have his or her name in the public report. In the original communications, the full names of the alleged victims were provided to the Government concerned. Names of alleged perpetrators have systematically been darkened in State replies to preserve the presumption of innocence.

9. In total 124 communications were sent during this reporting period to 66 countries to which replies were received from 41 countries as listed below:

<i>Name of countries</i>	<i>Number of communications sent</i>	<i>Replies received</i>
Algeria	2	2
Argentina	1	1
Australia	1	1
Azerbaijan	1	0
Bahrain	2	2
Bangladesh	1	0
Belarus	1	1
Brazil	3	1
Cameroon	1	1
Canada	1	0
China	3	3
Colombia	1	0
Congo	1	0
Democratic Republic of the Congo	1	0
Djibouti	1	1
Egypt	4	0
El Salvador	2	2
France	2	1
Guatemala	2	2
Haiti	1	0
Honduras	3	1
Hungary	2	1
India	1	0
Indonesia	2	2
Iran (Islamic Republic of)	13	3
Iraq	2	0
Israel	4	1
Italy	1	1
Japan	2	1
Kenya	2	0
Lebanon	1	0
Libya	1	0
Malawi	1	0
Malaysia	2	0
Maldives	1	0
Mexico	2	0
Myanmar	2	1

Nepal	1	1
Nicaragua	1	1
Nigeria	1	0
Oman	1	1
Other actors	3	1
Pakistan	1	1
Panama	1	1
Peru	2	0
Philippines	1	1
Qatar	2	0
Romania	1	0
Russian Federation	3	1
Saudi Arabia	3	3
Singapore	2	1
Sri Lanka	2	0
Sudan	1	1
Switzerland	1	0
Thailand	2	2
Trinidad and Tobago	1	0
Turkey	3	3
Turkmenistan	1	1
United Arab Emirates	3	3
United Kingdom of Great Britain and Northern Ireland	1	0
United States of America	4	2
Uruguay	1	1
Uzbekistan	1	1
Venezuela (Bolivarian Republic of)	2	1
Viet Nam	2	2
Yemen	2	1

10. During the period, 3 communications were also sent to 'Other actors', for e.g businesses, international bodies, agencies and non-State actors to which 1 reply was received.

11. These communications concerned 261 alleged identified victims of which 167 are male, 86 are female and 8 others. These communications also concerned 10538 unidentified alleged victims.

12. In preparing the statistics included in this report, uniform reporting periods have been used, reflecting all communications sent between 1 March and 31 May 2017, and responses received in relation to these communications up to 31 July 2017.

II. Statistics on communications and replies by mandate

<i>Mandate</i>	<i>Reporting period: 1 March to 31 May 2017</i>			<i>Reporting period: 1 June 2006 to 31 May 2017</i>		
	<i>Communications sent</i>	<i>replied to by 31 July 2017</i>	<i>response rate^a</i>	<i>Communications sent</i>	<i>replied to by 31 July 2017</i>	<i>response rate^a</i>
African Descent	0	0	0%	22	14	64%
Albinism	0	0	0%	5	0	0%
Arbitrary Detention (+)	35	16	46%	1448	800	55%
Belarus*	1	1	100%	11	8	73%
Burundi**	0	0	0%	6	0	0%
Business	6	4	67%	92	52	56%
Cambodia	0	0	0%	31	6	19%
Central African Republic	0	0	0%	1	0	0%
Cultural rights	7	5	71%	83	60	72%
Democratic People's Republic of Korea	1	1	100%	10	2	20%
Disability	5	2	40%	41	22	54%
Disappearances (+)	14	8	57%	375	170	45%
Education	5	3	60%	77	49	64%
Environment	12	6	50%	69	37	54%
Eritrea	0	0	0%	2	0	0%
Executions	31	16	52%	1328	643	48%
Food	4	3	75%	226	94	42%
Foreign debt	0	0	0%	21	12	57%
Freedom of opinion and expression	66	37	56%	2842	1504	53%
Freedom of peaceful assembly and of association	37	24	65%	1082	630	58%
Haiti**	1	0	0%	13	3	23%
Hazardous substances***	3	3	100%	77	49	64%
Health	15	9	60%	609	361	59%
Housing	4	1	25%	320	159	50%
Human rights defenders	55	31	56%	3093	1738	56%
Independence of judges and lawyers	10	7	70%	1158	637	55%
Indigenous peoples	5	0	0%	414	244	59%
Internally displaced persons	4	2	50%	28	12	43%
International order	2	2	100%	32	25	78%
International solidarity	0	0	0%	12	12	100%

<i>Mandate</i>	<i>Reporting period: 1 March to 31 May 2017</i>			<i>Reporting period: 1 June 2006 to 31 May 2017</i>		
	<i>Communications sent</i>	<i>replied to by 31 July 2017</i>	<i>response rate^(#)</i>	<i>Communications sent</i>	<i>replied to by 31 July 2017</i>	<i>response rate^(#)</i>
Islamic Republic of Iran	13	5	39%	160	84	53%
Liberia**	0	0	0%	2	0	0%
Mercenaries	0	0	0%	73	28	38%
Migrants	3	2	67%	250	163	65%
Minority issues	9	5	56%	251	148	59%
Myanmar	2	1	50%	111	56	51%
Older persons	0	0	0%	2	2	100%
Palestinian territories occupied since 1967	4	1	25%	46	9	20%
Poverty	5	3	60%	71	52	73%
Privacy	2	0	0%	19	17	90%
Racism	0	0	0%	128	79	62%
Religion or belief	17	8	47%	460	275	60%
Sale of children	2	2	100%	63	25	40%
Sexual orientation and gender identity	3	1	33%	4	1	25%
Slavery	0	0	0%	46	27	59%
Somalia	0	0	0%	19	6	32%
Sudan	1	1	100%	37	8	22%
Terrorism	1	1	100%	284	136	48%
Torture	24	12	50%	2199	1196	54%
Trafficking in persons	1	1	100%	79	47	60%
Truth, justice, reparation and guarantees of non-recurrence	6	2	33%	47	27	57%
Unilateral coercive measures	1	1	100%	3	3	100%
Violence against women	12	9	75%	552	298	54%
Water and sanitation	1	1	100%	86	56	65%
Women in law and in practice	6	6	100%	192	99	52%

(*) mandate re-established in June 2012, (**) mandate terminated, (***) mandate name changed from 'toxic waste'

(+) These figures do not include communications on standard cases sent to Governments by the Working Group on arbitrary detention and the Working Group on enforced or involuntary disappearances.

(#) fractions in percentage are rounded to the nearest whole number.

Please note: Totals are higher than the actual number of communications sent or replies received in the given period, as many communications are sent jointly by two or more mandate holders.

III. Communications sent and replies received

Communications sent between 1 March and 31 May 2017 and their replies received until 31 July 2017. Also all replies received during this period to communications sent before 1 March 2017

13. All communications and their replies are available through Special Procedures communications website at the link:

<https://spcommreports.ohchr.org>

Appendix

Mandates of special procedures (until 30 June 2017)

<i>Mandate title</i>	<i>Human Rights Council resolution</i>
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context	34/9
Working Group of Experts on people of African descent	27/25
Independent Expert on the enjoyment of human rights of persons with albinism	28/6
Working Group on Arbitrary Detention	33/30
Special Rapporteur on the situation of human rights in Belarus	35/27
Special Rapporteur on the situation of human rights in Cambodia	30/23
Independent Expert on the situation of human rights in Central African Republic	33/27
Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire (Mandate formally closed by HRC President Statement PRST 35/1)	26/32
Special Rapporteur in the field of cultural rights	28/9
Independent expert on the promotion of a democratic and equitable international order	27/9
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	34/24
Special Rapporteur on the rights of persons with disabilities	35/6
Special Rapporteur on right to development	33/14
Special Rapporteur on the situation of human rights in Eritrea	35/35
Working Group on Enforced or Involuntary Disappearances	27/1
Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	34/3
Special Rapporteur on the right to education	35/2
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment	28/11
Special Rapporteur on extreme poverty and human rights	35/19
Special Rapporteur on the right to food	32/8
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	34/18
Special Rapporteur on the rights to freedom of peaceful assembly and of association	32/32

<i>Mandate title</i>	<i>Human Rights Council resolution</i>
Special Rapporteur on freedom of religion or belief	31/16
Independent Expert on the situation of human rights in Haiti (Mandate formally closed by HRC President Statement : PRST 34/1)	PRST 25/1
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	33/9
Special Rapporteur on the situation of human rights defenders	34/5
Special Rapporteur on the independence of judges and lawyers	35/11
Special Rapporteur on the rights of indigenous peoples	33/12
Special Rapporteur on the human rights of internally displaced persons	32/11
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran	34/23
Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	35/9
Independent Expert on the situation of human rights in Mali	34/39
Working Group on the use of mercenaries	33/4
Special Rapporteur on the human rights of migrants	34/21
Special Rapporteur on minority issues	34/6
Special Rapporteur on the situation of human rights in Myanmar	34/22
Independent Expert on the enjoyment of all human rights by older persons	33/5
Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	5/1
Special Rapporteur on the right to privacy	28/16
Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence	27/3
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	34/35
Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material	34/16
Special Rapporteur on contemporary forms of slavery	33/1
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	32/2
Independent Expert on human rights and international solidarity	35/3
Independent Expert on the situation of human rights in the Sudan	33/26
Independent Expert on the situation of human rights in Somalia	33/17

<i>Mandate title</i>	<i>Human Rights Council Resolution</i>
Special Rapporteur on extrajudicial, summary or arbitrary executions	15/15
Special Rapporteur on the situation of human rights in the Syrian Arab Republic	9-18/1
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	11/3
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	14/19
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	27/91
Special Rapporteur on trafficking in persons, especially women and children	15/5
Working Group on the issue of human rights and transnational corporations and other business enterprises	15/7
Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights	27/21
Special Rapporteur on violence against women, its causes and consequences	12/19
Working Group on the issue of discrimination against women in law and in practice	12/4
Special Rapporteur on the human rights to safe drinking water and sanitation	13/10